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Smeulers, A.L.

Published in:
International Criminal Law Review

Publication date:
2015

Document Version
Peer reviewed version

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
Smeulers, A. L. (2015). Female perpetrators - ordinary and extra-ordinary women. *International Criminal Law Review*, 15(2), 207.

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Female perpetrators: ordinary or extra-ordinary women?

Alette Smeulders, Universities of Groningen and Tilburg

Abstract

Only a very small percentage of the perpetrators convicted by international criminal courts and tribunals are women. This raises the question as to whether women are less evil than men. Within literature it is generally assumed that the genocide in Rwanda was unprecedented in relation to the role played by women and that it is the first and only period of mass violence in which many women were involved. This explorative study however shows that women have played a much larger role than we have generally assumed so far and that women can be just as evil as men – although it indeed seems true that generally far less women than men are involved in mass atrocities. There is a clear gender bias in the portrayal of female perpetrators as sadists, natural or lacking agency, but it can be questioned whether female perpetrators are less ordinary than male perpetrators.

Keywords

Perpetrators - international crimes - women - gender

1. Introduction

On 24 June 2011 Pauline Nyiramasuhuko was found guilty and sentenced to life imprisonment by the International Criminal Tribunal for Rwanda (ICTR) for her leading role in the genocide and commission of widespread rape in Butare. She was the first woman ever to be convicted by an international criminal court or tribunal for genocide and sexual violence. The only other woman who has been convicted by an international criminal tribunal was the Serbian politician Biljana Plavsic – who pleaded guilty and was convicted for persecution as a crime against humanity by the International Criminal Tribunal for former Yugoslavia (ICTY) on 27 February 2003. Over 280 men have been convicted by international criminal courts and tribunals and these two women thus represent less than one per cent of all people convicted by such courts and tribunals. This raises the question why so many male perpetrators and so few female perpetrators have been convicted. Are women less capable of committing mass atrocities than men as suggested by the stereotyped and gendered image of war in which men are portrayed as perpetrators and women as victims? Or are there other reasons that can explain why most perpetrators are male? In order to answer these questions an explorative literature survey on the role of women within periods of mass violence has been conducted. It has been assessed what kind of roles women have played so far and how significant and extensive their involvement has been (section 3). Next the relevance of gender roles and gender norms will be discussed (section 4). Specific attention will be given to the way in which female perpetrators are portrayed within literature and the media. Next the military will be discussed as it is an extremely gendered institution. The cases of Plavsic and Nyiramasuhuko will be discussed in more detail in section 5 while in section 6 the focus will be on the motives of the lower ranking women involved in mass atrocities. The overall aim of the paper is to get an insight in the extent of the involvement of women in mass atrocities and to get a better understanding of their roles. We will however start in section 2 with briefly presenting the very stereotyped and gendered image of war which has been prevalent within literature for such a long time.

2. The Gendered Portrayal of War and Mass Violence

In ancient history war could be adequately qualified as an armed conflict between two armies fighting each other in a far-away trench war. But warfare has changed over time: most wars are internal armed conflicts rather than international armed conflicts and usually many different militarized units are involved. There is no clear front line and battles are regularly fought in densely populated areas in which the distinction between combatants and non-combatants have become blurred and civilians are exposed to violence or even deliberately attacked. Contemporary wars have become ‘a mixture of war, organized crime and massive violations of human rights’

resulting in many civilian casualties.¹ War can thus no longer be considered a ‘conflict between men’ and ever since a lot of attention has been focused on the suffering of women during warfare. Although this might have initially been a neglected area of interest this particular focus has gradually transformed into a very stereotyped portrayal of war in which men are pictured as the aggressors and women as the victims.² Behind this vision is the assumption that women are inherently more peaceful than men.³ Although it is absolutely true that many women are victimized and suffer as a consequence of war, so do many men. When studying war and genocide it becomes clear that violence is often gender based as it is not only directed against certain national, ethnical, racial or religious groups but also specifically directed against either the men or the women within that particular group.⁴ In general there seems to be a tendency to consider all males - even the unarmed ones - as combatants and the women as civilians.⁵ This classification has serious consequences as it transforms men into legitimate targets and thus exposes them to violence.⁶ In his classic book on genocide Kuper remarked: ‘while unarmed men seem fair game, the killing of women and children arouses general revulsion.’⁷ In his work on gendercide Adam Jones concludes that these differing perceptions of women and men indeed result in differences in casualties: ‘...the most vulnerable and consistently targeted population group, throughout time and around the world today, is non-combatant men of battle age, roughly around fifteen to fifty-five years old.’⁸

While many men are targeted because they are considered legitimate targets, women too suffer from gender based violence albeit in a different way. The most common form is sexual violence – many women in many wars over the years have suffered from various forms of sexual violence. In the war in former Yugoslavia and more particularly in Bosnia Herzegovina sexual violence even became a deliberate war tactic. Some scholars have argued that rape was deliberately used as a means to utterly humiliate male warriors for having failed to protect the ‘honor and purity’ of their women.⁹ It has to be noted however that not only women are the victims of gender based sexual violence. The horrific pictures of the sexual abuse and violence in the Abu Ghraib prison seem to indicate that in the War on Terror the sexual humiliation and abuse of men was an explicit war tactic. Devout Muslim men were humiliated ‘through the reversal of gender roles.’¹⁰ In this war American soldiers ‘exploited every gender and sexual taboo in the Arab world – men dominated by women, men posed in homosexual acts, men treated as dogs.’¹¹ The effect on the male victims was devastating: ‘It’s okay if they beat me. Beatings don’t hurt us, it’s just a blow. But no one would want their manhood to be shattered. They wanted us to feel as though we were women, the way women feel, and this is the worst insult, to feel like a woman.’¹² The fact that sexual violence was used against men rather than women was however not the only anomaly. May be even more remarkable was the fact the perpetrators were women who used their sexuality as a weapon. These examples show us that war and gender are two concepts which require particular attention when studying the causes of

¹ Kaldor notes that the nature of warfare has changed significantly and that most contemporary wars are so-called ‘new wars’ which are internal rather than international armed conflicts. See M. Kaldor, *New & old wars – organized violence in a global era*, (Polity Press, Cambridge, 2006).

² C. Coulter, ‘Female fighters in the Sierra Leone war: challenging the assumptions?’, *Feminist Review* (2008) 55-73, at p. 55 and Maria Eriksson Baaz & Maria Stern, ‘Fearless fighters and submissive wives: negotiating identity among women soldiers in the Congo (DRC)’, *39 Armed Forces & Society* (2012) 711-739. See also J.A. Tickner & L. Sjoborg, ‘Feminism’, in T. Dunne, M. Kurki & S. Smith (eds.) *International relations Theories – discipline and diversity* (Oxford University Press, Oxford, 2007), p. 193 who conclude: It is a widespread myth that men fight wars to protect vulnerable people usually defined as women and children.’

³ Coulter, *supra* note 2, p. 55.

⁴ The Srebrenica massacre is one of the best documented examples thereof.

⁵ Jean Bethke Elshtain, ‘Women and war ten years on’, *24 Review of International Studies* (1998), 447-460, at pp. 453-454.

⁶ R. Charli Carpenter, ‘Women and Children first: gender, norms and humanitarian evacuation in the Balkans 1991-95’, *57 International Organization* (2003) 661-694.

⁷ L. Kuper, *Genocide – its political use in the Twentieth Century* (Yale University Press, New Haven and London, 1981), p. 204.

⁸ A. Jones, *Gender inclusive – essays on violence, men and feminist international relations*, (Routledge, London and New York, 2009), p. 153.

⁹ N. Zabeida, Not making excuses: functions of rape as a tool in ethno-nationalist wars, in: R.M. Chandler, L. Wang & L.K. Fuller (eds.), *Women, war and violence – personal perspectives and global activism* (Palgrave MacMillan, New York, 2010), p. 23.

¹⁰ F. D’Amico, ‘The women of Abu Ghraib’, in T. McKelvey (ed.), *One of the guys – women as aggressors and torturers* (Seal Press, Emeryville, 2007), p. 45.

¹¹ *Ibid*, p. 81.

¹² T. Kaufman-Osborn, ‘Gender trouble at Abu Ghraib’, in T. McKelvey *supra* note 10, p. 158.

mass violence.¹³ They also show that men are not only perpetrators of mass violence within periods of war but also often the victims thereof and that women are not just victims of warfare and mass violence but can also be the perpetrators thereof. The best documented example of the involvement of women in mass violence is without doubt the genocide in Rwanda in which many women played a role. These facts were highlighted by African Rights which published a report on the involvement of women entitled 'not so innocent'.¹⁴ It is therefore time to counter this stereotyped and gendered image of war and mass violence. In this paper I aim to do that by focusing on the role of women within war – not as victims but rather as perpetrators.¹⁵ In the next section the focus will be on the different roles played by women in warfare and in relation to mass atrocities. The aim is to assess whether the involvement of women in the Rwandan genocide was indeed so exceptional as it is generally portrayed within literature or whether the involvement of women in mass atrocities is so much larger than we have assumed so far.

3. Roles Played by Women in Periods of Mass Violence

The most typical role played by women during a period of mass violence is as a silent bystander and supporter of the regime. Although such a supporting role falls short of entailing any criminal responsibility for the crimes committed the importance of such a role should not be underestimated either. Men like Hitler would never have gained so much power without the support of the masses which include both men and women. Research has furthermore shown that the role of bystanders is far more important than we tend to think. Perpetrators carefully look at the reaction of the bystander. If the bystander is inactive this is usually interpreted by the perpetrator as silent approval and support. By remaining passive bystanders - at least in the eyes of the perpetrators - seem to justify and legitimize the actions of the perpetrators and help them to maintain the social context in which they believe themselves to be entitled to commit their crimes. Women can also silently support genocide and other forms and manifestations of international crimes in the private sphere, namely as loyal wives to their husband who took up a more active role. In Nazi Germany for instance the SS-men could not marry without specific approval of the SS which tested whether the wives believed in the SS ideas as well and were worthy of marrying a member of the elite force. Some 240.000 women married SS-men thus supporting the existence of this elite force and providing legitimization for it.¹⁶ Many of these Nazi women were allowed to live close to where their husbands worked (for instance a concentration or death camp) and thus became fully aware of what was going on.¹⁷ As such they contributed to the commission of these crimes by not criticizing their husbands and providing them with emotional support.¹⁸ Nazi Germany was not the only country in which loyal women and wives played an important role by supporting the regime and their involved husbands. This is the case in many countries in which international crimes are committed. These passive roles were, however, not the only way women were involved in periods of collective violence. In the following section the focus will be on the various and more active roles played by women.

3.1 Women as Administrative and Supporting Personnel

Probably by far the largest group of women involved in mass violence are those involved as administrative and supporting personnel. During the Holocaust in Nazi Germany many governmental organizations were somehow involved in progressively excluding Jews from taking part in ordinary life, in discriminating them, rounding them up, sending them on transport, holding them prisoner in one of the many concentration camps and finally killing them. The Nazi Holocaust has been qualified as a bureaucratic mass murder. Hilberg stated: 'It must be kept in mind that most of the participants of genocide did not fire rifles at Jewish children or pour gas

¹³ Coulter, *supra* note 2, p. 55 argues the 'notion and discourse about war itself is gendered.'

¹⁴ African Rights, *Rwanda not so innocent – when women become killers* (African Rights, London, 1995).

¹⁵ See also Jamieson who concluded: 'It is absolutely and consistently the case that in war women are victims of all kinds of abuse, including sexual abuse, but the events in Rwanda suggest that this is not the whole story.' R. Jamieson, 'Genocide and the social production of immorality', 3 *Theoretical Criminology* (1999) 131-146, at p. 142.

¹⁶ See K. Kompisch, *Täterinnen - Frauen im Nationalsozialismus* (Böhlau Verlag, 2008), p. 204; W. Lower, *Hitlers Furiën* (Spectrum, Antwerpen, 2013) and W. Lower, 'Male and female Holocaust perpetrators and the East German approach to justice', 1949-1963, 24 *Holocaust and Genocide Studies* (2013), p. 70. See also for the Rwandan context N. Hogg, 'Women's participation in the Rwandan genocide: mothers or monsters', 92 *International Review of the Red Cross* (2010) 69-102.

¹⁷ See Lower, *supra* note 16.

¹⁸ See C. Koonz, *Mothers in the Fatherland* (St Martin's Griffin, 1991). See also for the Rwandan situation Hogg *supra* note 16, p. 78.

chambers ... most bureaucrats composed memoranda, drew up blueprints, talked on the telephone and participated in conferences. They could destroy a whole people by sitting at their desks.¹⁹ Amongst these bureaucrats were many women.²⁰ During the Nazi period it is estimated that 12 million women were working in NS organizations which was one third of the female population. Their involvement in these crimes as administrative and supportive personnel can without doubt be qualified as significant.²¹ Within the camps women often had administrative functions and the infamous *Einsatzgruppen* for instance were accompanied by female secretaries.²² Women were also involved in the so-called Euthanasia program as administrative personnel and as nurses.²³ Even mid-wives played a role by assessing whether a pregnant woman would be sufficiently qualified to raise her child according to National-Socialistic standards and if not then an abortion was advised. Once children were born and turned out to be handicapped then the mid-wives had to report this so that measures within the Euthanasia program could be taken. Midwives received 2 Deutsch Mark for every report and could receive a fine of 150 Mark if they did not report on such occasions.²⁴

The genocide in Rwanda was an entirely different type of genocide as compared to the Holocaust. It was not a bureaucratized process which took years. The killings were well prepared but took place in a three-month period and were perpetrated by so-called killer groups consisting of ten to 100 people.²⁵ These groups set up road blocks, conducted house by house searches, apprehended, often raped and maltreated and finally killed all the Tutsis and moderate Hutus they could find. Usually only the most fanatic members of the group were physically involved in the actual killings – nevertheless the group as such which included men as well as women supported the killers in a number of ways. It is known that many women acted as a kind of cheerleaders who were singing songs while the men raped and killed the Tutsis.²⁶ Although no exact figures are provided on how many women were involved in this way, the report by African Rights clearly describes their participation as extensive. The Gacaca courts tried close to two million suspects, just under ten per cent were women.

These are not the only examples, however. There are for instance also reports from Sudan indicating that women entertained the troops or acted as cheerleaders during the perpetration of crimes.²⁷ In many armies and especially rebel forces in other countries around the world women and girls are often given administrative or supporting roles as secretaries, cleaning ladies, cooks, porters or slaves.²⁸ In some cases this support was enforced, in other

¹⁹ Raul Hilberg, *The destruction of the European Jews*, (Holmes & Meier, New York, 1985 - originally published in 1961).

²⁰ Christina Herkommer, 'Women under National Socialism: women's scope for action and the issue of gender', in Olaf Jensen & Claus-Christian Szejnmann (eds.), *Ordinary people as mass murderers – perpetrators in comparative perspectives*, ed. (Palgrave and MacMillan, 2008), pp. 99-119 and Kompisch, *supra* note 16, p. 11. Kompisch, *supra* note 16, p. 84 notes that many women worked for the Gestapo as secretaries and administrators.

²¹ Kompisch, *supra* note 16, p. 47.

²² D.P. Brown, *The camp women – the female auxiliaries who assisted the SS in running the Nazi concentration camp system*, (A Schiffer Military History Book, 2002); Lower, *supra* note 16 and Kompisch, *supra* note 16, p. 12 and p. 88.

²³ See Herkommer, *supra* note 20 and Manfred Mann, 'Were the perpetrators of genocide 'ordinary men' or real Nazis'? Results from fifteen hundred biographies', *Holocaust and Genocide Studies* (2000) 331-366. See also Kompisch, *supra* note 16, p. 12 and p. 110 and Lower, *supra* note 16.

²⁴ Kompisch, *supra* note 16, p. 137.

²⁵ See Alette Smeulers & Lotte Hoex, 'Studying the micro-dynamics of the Rwandan genocide, 50 *British Journal of Criminology* (2010) 435-454.

²⁶ African Rights, *supra* note 14, p. 45 and R.V. Adler, C.E. Loyle, J. Globberman, 'A calamity in the neighborhood: women's participation in the Rwandan genocide', 2 *Genocide Studies and Prevention* (2007) 209-233 at p. 222. African Rights, *supra* note 14, 72 quotes one of these cheerleaders stated: "I am accused of being there when people were being killed and singing. I admit I did this. I was there when people were being killed. Many people. I joined the animation just as I would join any other choir."

²⁷ Amnesty International, *Sudan: Darfur: Rape as a weapon of war – sexual violence and its consequences*, Amnesty International report, of 18 July 2004, AFR 54/076/2004. Another example from Angola: 'they were forced to dance, sing, respond to sexual demands and keep the men at a high level of excitement 24 hours a day'. See Yvonne E. Keairnes, *The voices of girl child soldiers – summary* (Quaker United Nations Office, New York, 2002), at p. 7.

²⁸ In many Africa countries like Sierra Leone women were abducted by the rebels and forced to work for them such as fetching water, doing the laundry, cooking and acting as sex slaves. C. Coulter, *Bush wives and Girl soldiers – women's lives through war and peace in Sierra Leone*, (Cornell University Press, Ithaca and London,

cases it was provided voluntarily but whatever the amount of force used it can be concluded that the contribution of these women and girls was crucial for especially rebel forces. One scholar who studied the Revolutionary Armed Front (RUF) during the Sierra Leone conflict concluded: 'the rebels would never have survived had it not been for the forced productive labor of women'.²⁹ Many girls were forced to support the armies and rebel forces in the abovementioned fashion and become child soldiers (a term which refers to all members of armed forces under the age of 18 not matter whether or not they are actively involved in fighting). The Global Report of the Coalition against the Use of Child Soldiers of 2008 concludes that: '...girl soldiers have been present in virtually every non-international conflict, since.'³⁰ Reports suggest that there are 300.000 child soldiers of whom 40 per cent are girls and thus there are allegedly 120.000 girl soldiers worldwide.³¹ Many of them (willingly or unwillingly) support the perpetration of genocide and other international crimes.

3.2 Women as Profiteers, Thieves, Traitors and Spies

During periods of mass violence many women took advantage of the position of their husbands or the misery of the victims. In Nazi Germany for instance the wives of concentration camp guards employed prisoners to do their households and often treated them very badly, making them work like slaves.³² Jews who were interned in concentration camps had to hand over all their valuables to the Nazis and people running the camp (both male and female) often took advantage thereof and used these goods (clothes, jewelry, money) themselves.³³ In Rwanda women searched the bodies of the people killed or searched their hiding places or houses in order to steal valuables.³⁴ Similar incidents are reported in other countries.³⁵

Another typical role played by women during both the Nazi Holocaust and the Rwandan genocide was as traitor. In Rwanda women in all different kind of sectors betrayed Tutsis.³⁶ This was not only the case for women in governmental organizations but also for teachers at schools who betrayed their pupils and handed them over to the extremists and killer groups; doctors and nurses handed over their patients and nuns handed over the Tutsis who had come to seek refuge at their church or monastery. In 2001 two Rwandan nuns (sister Gertrude and sister Kisito) stood trial in Belgium.³⁷ During the Rwandan genocide they chased all Tutsis who had sought refuge in their monastery out of the monastery and handed them over to the extremists knowing that these groups would immediately kill them. They even bought petrol which was used to set a garage on fire in which 600 Tutsis had fled.³⁸ The Belgium case attracted a lot of media attention especially because the two accused were nuns but in Rwanda many others like them helped and supported the killer groups by betraying the Tutsis who tried to flee for their lives. Women who were not professionally involved showed the killer groups where the Tutsis were living or where they went into hiding.³⁹ In some cases women did not actively betray victims but refused to help the victims and thus contributed to their capture and death.⁴⁰ In some cases Tutsi women left their

2009), 103. See also J. Annan, C. Blattman, D. Mazurana & K. Carlson, 'Civil war, reintegration, and gender in Northern Uganda', 55 *Journal of Conflict Resolution* (2011) 877-908 at p. 883 and S. McKay & D. Mazurana, *Where are the girls? Girls in fighting forces in Northern Uganda, Sierra Leone and Mozambique: their lives during and after war*, (Montreal: International Centre for Human Rights and Democratic Development, Montreal, 2004), p. 17.

²⁹ Coulter, *supra* note 28, p. 117.

³⁰ Child Soldiers Global Report 2008, (Coalition to Stop the Use of Child Soldiers, London, 2008), at 28 [See a list of government forces who use girl soldiers at p. 29].

³¹ See Voice of America (2009), 120.000 Girls believed to be child soldiers, available at <http://www.voanews.com/content/a-13-2005-04-25-voa27/394897.html> (last checked 7 June 2013)

³² See also Herkommer, *supra* note 20, p. 113.

³³ Kompisch, *supra* note 16, p. 181.

³⁴ African Rights, *supra* note 14, 81; Hogg, *supra* note 16, 78 and Adler et al., *supra* note 26, p. 222.

³⁵ Coulter, *supra* note 28, 112 and Dara Cohen, *The role of female combatants in armed groups: women and wartime rape in Sierra Leone (1991-2002)*, 65 *World Politics* (2013) 383-415.

³⁶ See African Rights, *supra* note 14, p. 2 and 12 but also Hogg, *supra* 16, 70 and Adler et al., *supra* note 26, p. 212.

³⁷ The two nuns had to stand trial together with two others a university professor and a factory owner. They were known as the Butare Four and were the very first Rwandese to be convicted by a non-Rwandan court.

³⁸ See African Rights, *supra* note 14, pp.156-191. The two nuns were convicted on 8 June 2001 were convicted to 12 and 15 years imprisonment.

³⁹ Hogg, *supra* note 16, p. 78.

⁴⁰ African Rights, *supra* note 14, p. 2 and Hogg, *supra* note 16, p. 79.

children under the protection of Hutu women but some of these women turned the children in to the killer groups.⁴¹

During the Nazi Holocaust many Jews all over Europe were betrayed (by men and women).⁴² In some countries like for instance in the Netherlands people could earn money by betraying Jews. It was only a small fee but some traitors became good at it and thus earned quite some extra money. In other cases Jews who had been captured could save their life by starting to work for the Germans and betray other Jews. Although most traitors were men – women too were involved. One of the most infamous trial cases in the Netherlands involved a Jewish woman, Ans van Dijk. After the Nazis took control over the Netherlands Van Dijk never officially registered as a Jew and could thus live a fairly ordinary life despite the German occupation. She often helped other Jews to escape until the day she was betrayed and arrested by the Dutch police. After her arrest she was given the choice to be sent off to the death camps immediately or save her own life by starting to work for the Dutch police by searching for and betraying other Jews. Van Dijk took the offer and unfortunately she turned out to be extremely well at her job. Together with a few others amongst whom a number of women she allegedly betrayed over 100 Jews.⁴³ After the war Ans van Dijk was the only woman in the Netherlands who received the death penalty and was publicly executed for her role in the Second World War.

In some countries women were used as spies, because they are often not seen as dangerous but rather as innocent victims and can thus easier manipulate people.⁴⁴ They were sent to villages and towns in order to make friends and find themselves lovers amongst the soldiers and get information on the town.⁴⁵ This information was then used to attack the town.

3.3 Women as Prison and Camp Guards

An even more active role was played by women who were prison or camp guards. In many countries female guards are appointed to serve as guards of the prisons and camps in which women are held. In Nazi Germany over 3500 women served as concentration camp guards and had to guard the women, were responsible for maintaining order and discipline within the camp and conducted selections at the ramp. Round and about six per cent of all concentration camp guards were female.⁴⁶ Most of them received their training at Ravensbrück. Some of these women became known as extremely cruel and sadistic guards as for instance Irma Grese, camp guard at Ravensbrück, Auschwitz and later Bergen Belsen. She always carried around a whip in order to beat up prisoners and seemed to derive sadistic pleasure from the suffering of others. According to one witness at her trial she killed about 30 prisoners a day.⁴⁷ Grese is however not the only infamous female guard known for her cruelty and sadism. Johanna Borman was known as the woman with the dog as she set off her dog to attack and kill exhausted prisoners and Maria Mandel put together a Jewish orchestra which was to play music during the selections at the ramp and the executions thereafter. Dorothea Binz continuously hit the prisoners. Ruth Neudeck took off the clothes of some inmates, poured cold water over them and made them stay in the cold for hours.⁴⁸ After the Second World War about 60 of the female camp guards stood trial for the war crimes tribunals between 1945-1949, many of them were described as more brutal than their male counterparts.⁴⁹ A total of 21 of these women were executed.⁵⁰

⁴¹ L. Sharlach, 'Gender and genocide in Rwanda: women as agents and objects of genocide', 1 *Journal of Genocide Research* (1999) 387-399 at p. 392.

⁴² Kompisch, *supra* note 16, p. 74 notes that betrayals by private persons was crucial.

⁴³ Koos Groen, *Als slachtoffers daders worden – de zaak van de Joodse verraadster Ans van Dijk* (Ambo, Baarn, 1994).

⁴⁴ See for an example Coulter, *supra* note 28, p. 9.

⁴⁵ Coulter, *supra* note 28, p. 104.

⁴⁶ Brown, *supra* note 22.

⁴⁷ Daniel Patrick Brown, *The beautiful beast – the life and crimes of SS-Aufseherin Irma Grese* (Golden West Publications, Ventura, 1996). See however also the comments in section 4.1 of this paper in relation to the biased portrayal of female perpetrators.

⁴⁸ Kompisch, *supra* note 16, p. 186.

⁴⁹ Ilse Koch although not formally a camp guard but the wife of camp commander Karl Koch also became known for her cruelty. It was alleged that she ordered lampshades and photo albums out of human skin and she ordered Jews with nice tattoos to be killed for this very reason. These allegations could however –despite desperate efforts – not be proven in two court cases and might very well be based on false rumours and lies. Ilse Koch was nevertheless convicted to life imprisonment.

⁵⁰ See <http://www.capitalpunishmentuk.org/nazigirls.html>

A more recent example of female prison guards committing atrocities was the abuse of Iraqi prisoners at the Abu Ghraib prison during the American War on Terror. A number of women figured prominently in the pictures published by CBS 60 minutes in which the Iraqi prisoners were humiliated, harassed and sexually abused. The pictures shocked the American public. President Bush was quick to call the perpetrators rotten apples but it later turned out that they were acting according to the broader guidelines as designed by the Pentagon.⁵¹ The American interrogators had asked the prison guards to soften up the prisoners in order to prepare them for the interrogations. In the night shift a group of guards amongst whom a number of women started to systematically abuse the Iraqi prisoners. The fact that they took pictures of the abuse seems to indicate that they were not aware of the fact that they were committing horrendous acts in clear violation of international law.

In former Yugoslavia too there are known cases of female camp guards committing international crimes. Indira Vrbanjac Kamberic was indicted for crimes committed while being one of the commanders of a detention camp. Monika Simonovic, the girlfriend of Goran Jelusic who was sentenced to 40 years imprisonment by the ICTY, has beaten and maltreated many prisoners together with Jelusic and was arrested in December 2011. A witness remembers: 'she wasn't a woman, she was a monster.'⁵² Another woman, Azra Basic was 'accused of killing a prisoner and torturing others by forcing them to drink human blood and gasoline and having them kneel on broken glass.'⁵³ Usually men and women are not detained in the same (ward of a) prison and in principle women only act as guards within women's prisons. It can thus be expected that the extent of involvement of women as prison and camp guards is much smaller than the role of men but nevertheless probably quite extensive.

3.4 Women as Interrogators and Torturers

As already noted above many women abused their role as camp and prison guards and many of them severely mistreated and abused the inmates. In some cases such abuse can be qualified as torture as is the case with the medical experiments conducted in the Nazi concentration camps. The inmates of these camps were used as guinea pigs in medical experiments conducted by the Nazi doctors. Next to many men⁵⁴ women too were involved in these experiments.⁵⁵ Some as nurses others as doctors. At the Nazi Medical Trial, which was conducted shortly after the war, one of the 23 defendants was a woman, Herta Oberheuser. She was sentenced to 20 years imprisonment.

A few women have acted as interrogators and torturers although there are not many known cases. One of the few known accounts of a female interrogator at work is by Erik Saar an interpreter at Guantanamo Bay. He describes the interrogation of a Muslim terror suspect by an American female interrogator at which he was present. Saar describes how the female interrogator progressively tried to provoke the devote Muslim by using her sexuality. It is a chilling and saddening account of pure humiliation in which the woman ends up smearing a red substance on the prisoners face making him believe it is menstrual blood. The pious Muslim prisoner almost became hysterical and Saar chillingly describes how he shouted at the top of his lungs.⁵⁶ There are also a few reported cases of female torturers in Spain in the period in which the ETA was still considered a dangerous terrorist organization⁵⁷ and in South Africa under the Apartheid regime in which female torturers tortured others by pumping water into another woman's fallopian tubes and applying electric shocks to their victims.⁵⁸ Incidents

⁵¹ See a.o. K.J. Greenberg & J.L. Dratel (eds.), *The torture papers – the road to Abu Ghraib* (Cambridge University Press, Cambridge, 2005) and P. Gourevitch, & E. Morris, *Standard operating procedure* (Penguin Press, New York, 2008).

⁵² M. Husejnovic, Bosnian war's wicked women get off lightly, balkaninsight.com: <http://www.balkaninsight.com/en/article/bosnian-war-s-wicked-women-get-off-lightly> (last checked 25 may 2013).

⁵³ See Bosnian police arrest female monster, available at: <http://bosniagenocide.wordpress.com/2011/12/21/bosnian-police-arrests-serbian-female-monster-monika-simonovic-ilic/> (last checked 25 May 2013).

⁵⁴ See the book by R.J. Lifton, *Nazi doctors: medical killing and the psychology of genocide* (Basic Books, New York, 1988).

⁵⁵ See Herkommer, *supra* note 20, p. 112 who quotes Schwarz.

⁵⁶ E. Saar & V. Novak, *Inside the wire – a military intelligence soldier's eyewitness account of life at Guantanamo* (The Penguin Press, New York, 2005) at p. 222.

⁵⁷ Eileen McDonald, *Shoot the women first* (Forth Estate, London, 1991), p. 50.

⁵⁸ See B. Goldblatt & S. Meintjes, 'South African women demand the truth', in M. Turshen & C. Twagiramaria, *What women do in wartime - Gender and conflict in Africa* (Zed Books, New York, 1998), pp. 27-61.

with female torturers have also been reported from Uruguay and Brazil.⁵⁹ In February last year international news agencies reported that in Bahrain a princess was accused of torture.⁶⁰ But as there are very few other documented examples it seems fair to conclude that apparently only very few women so far have acted as interrogators and torturers and this is still generally a men's job.⁶¹ The only clear trend is the progressive use of women as interrogators in the War on Terror.

3.5 Women as Killers and Murderers

Women have also been involved in genocide and other periods of mass violence as killers and murderers. Many of the female camp guards in Nazi Germany participated in the selections and thus had an active role in sending Jews to the gas chambers. Nurses who worked in the concentration and death camps took part in the selections too, deciding who was still fit enough to work and who was not. In some cases they personally gave the inmates lethal injections. Many women were - as nurses or doctors - also involved as killers and murderers in the Euthanasia programme in which about 100.000 people were deliberately killed because they were considered unfit to live.⁶² Lower notes that some of the worst perpetrators were women who did not have an official function but who accompanied their husbands to execution sites or concentration and death camps and took advantage of their situation and killed Jews, some without any reason: just for the fun of it.⁶³ Female camp guards in Nazi Germany and former Yugoslavia sometimes shot prisoners or beat them to death.⁶⁴ On 30 April 2012 the first woman was convicted by a Bosnian court for killing six men during an attack in April 1993. Rasema Handanovic had been raped herself during the war before she committed these crimes.⁶⁵ There are currently 40 other ongoing investigations against women who are suspected of their involvement in Bosnia.

In Rwanda women played a huge role in the genocide but it seems that only a few were 'directly engaged in the killings'.⁶⁶ This is probably due to the fact that 'there were few women, in the best known of the killing machines - the army, gendarmerie and trained militia, the Interahamwe.' But some were nevertheless actively involved. In a report by Human Rights Watch late genocide scholar Alison des Forges quotes an UNAMIR officer saying: 'I had seen war before but I had never seen a women carrying a baby on her back kill another woman carrying a baby on her back.'⁶⁷ It is furthermore known that after a group of Tutsis had been killed women not only searched the bodies but also often killed those who were still alive.⁶⁸ Nurses and doctors in Rwandan hospitals not only pointed out Tutsis to the killers but also killed Tutsi patients themselves.⁶⁹ In 2007 Adler et al. figured out that 3000 women representing over three per cent of the prison population were imprisoned for their role in the genocide. Those imprisoned can be considered to have played a larger role and possibly be directly involved in the killings.

⁵⁹ M.K. Huggins, M. Haritos-Fatouras & P.G. Zimbardo, *Violence workers - police torturers and murderers reconstruct Brazilian atrocities* (University of California Press, Berkeley, 2002).

⁶⁰ Reuters (30-01-2013). Bahraini princess on trial for torturing detainees at <http://www.reuters.com/article/2013/01/30/us-bahrain-princess-trial-idUSBRE90T0UU20130130> (last visited 13 March 2013).

⁶¹ See also Huggins et al., *supra* note 59 who came to a similar conclusion.

⁶² Kompisch, *supra* note 16, pp. 125-126. See also B.R. McFarland-Icke, *Nurses in Nazi Germany: moral choices in history*, (Princeton University Press, Princeton, 1999).

⁶³ Lower, *supra* note 16 mentions this at several places in her book and provides examples of women who took a gun and shot Jews from their balcony.

⁶⁴ Husejnovic, *supra* note 52 provides an example from former Yugoslavia in which a woman who executed people because her father had been shot.

⁶⁵ See newspaper clipping: <http://uk.mobile.reuters.com/article/worldNews/idUKBRE83T0KU20120430?irpc=979> (accessed 23 June 2013).

⁶⁶ See for instance African Rights, *supra* note 14, p. 1 and Hogg, *supra* note 16, p. 70 and, p. 77, = at which she quotes a female genocide suspect who stated: 'The difference is that men killed, women didn't. I hear that some women called out to be killers, but I didn't see them do it.'

⁶⁷ Alison des Forges, *Leave none to tell the story - genocide in Rwanda* (Human Rights Watch, New York, 1999), p. 261.

⁶⁸ African Rights, *supra* note 14, p. 81.

⁶⁹ *Ibid*, p. 209.

In many other countries women were soldiers in regular governmental armies or irregular rebel forces⁷⁰ and as such killed others. Sometimes in a legitimate battle in other cases it was plain murder. Waller for instance notes that in Cambodia ‘many Khmer Rouge women committed the same atrocities as men.’⁷¹ Kesic concluded that: ‘there were women in all the militias and national armies throughout the former Yugoslavia’ and some without doubt committed mass atrocities.⁷² Many girl soldiers fought in armies which committed mass atrocities. Although there are few direct reports of women committing international crimes in this way it is very likely that women too were actively involved in these crimes. In Sierra Leone for instance there were small girls units next to the infamous small boys units.⁷³ Female fighters have been said to be active in countries such as Peru, Liberia, Sri Lanka, Eritrea, Ethiopia, Nicaragua, Vietnam, El Salvador, Columbia, Guatemala, Nicaragua, Sierra Leone, Sri Lanka and Uganda.⁷⁴ This is not a recent phenomenon: Waller provides some other more historical examples and states that in World War II more than one million women served in the Soviet army. It is furthermore known that many women fought alongside men in guerilla and revolutionary wars.⁷⁵

It is also known that many female spies and female terrorists have been involved in terrorist attacks resulting in deaths. On 29 November 1987 for instance a bomb exploded on Korean Airline 858 killing all 115 passengers. Kim Hyon Hui a female North Korean agent had planted the bomb. In the terrorist organizations such as the Palestinian Liberation Organization (PLO), Rote Armee Fraktion (RAF), Euskadi ta Askatasuna (ETA), Front Liberation National (FLN), Irish Republican Army (IRA) and Red Brigades women were involved in many functions including as the ones who planted bombs and killed innocent bystanders. Especially the so-called black widows in Chechnya became infamous.⁷⁶ They were for instance involved in the Moscow hostage taking in October 2002. Fifty Chechen rebels amongst whom 20 women held 800 visitors of the theatre hostage. In the failed rescue attempt 39 terrorists and 129 hostages died. In the last few years women have also been involved in suicide attacks. Sana Mehaildi a Syrian young woman blew herself up on 9 April 1985 killing two Israelian soldiers is believed to be the first female suicide terrorist. Bloom notes that the use of female suicide bombers is a global trend.⁷⁷ According to Sjoberg and Gentry 22 out of 27 suicide attacks (and thus 81 per cent) in Chechnya were perpetrated by women.⁷⁸ Another group infamous for female suicide attacks are the Tamil Tigers – allegedly 30 per cent of their suicide attacks are committed by women.⁷⁹ Wafra Idris was the first female suicide bomber in Palestine in January 2002. It is estimated that almost seven per cent of the suicide attacks in Palestine are committed by women and in Iraq less than one per cent.⁸⁰ Since 2005 Al-Qaeda also uses female suicide bombers.⁸¹ Women are however still underrepresented in terrorist organizations and it is alleged that about ten per cent are female although this percentage is as high as 30-40 per cent in organizations such as the revolutionary armed forces in Colombia (FARC) and in Chechnya.⁸² The use of female suicide bombers might however increase as they draw much more media attention than the attacks by men: ‘the image of women defying tradition to sacrifice their lives for the Palestinian cause has drawn more attention to the despair of the Palestinian people.’⁸³

3.6 Women as Sex-offenders

⁷⁰ Coulter, *supra* note 28, p. 18 concludes that with Sierra Leone : ‘women fighters participated in the violence with their male counterparts on a widespread scale’. See also Cohen, *supra* note 35.

⁷¹ J. Waller, *Becoming evil – how ordinary people commit genocide and mass killings* (Oxford University Press, Oxford, 1997), p. 300 footnote 12.

⁷² Kesic as quoted by F. Wilmer, *The social construction of man, the state and war – identity, conflict and violence in the former Yugoslavia* (Routledge, New York, 2002), p. 215.

⁷³ Coulter, *supra* note 28, p. 109.

⁷⁴ See Coulter, *supra* note 28, 137; African Rights, *supra* note 14, p. 7 and Annan et al. *supra* note 28, p. 2.

⁷⁵ Waller, *supra* note 71, p. 300 footnote 12.

⁷⁶ See S. Adler, *Ich sollte als Schwarze Witwe sterben*, (Deutsche Verlags-Anstalt, 2005).

⁷⁷ M. Bloom, Female suicide bombers – a global trend, *Daedalus* (2007) 1-9.

⁷⁸ Laura Sjoberg & Caron E. Gentry, *Mothers, monsters, whores – women’s violence in global politics* (Zed Books, London, 2007), p. 98.

⁷⁹ Human Security Report 2005- war and peace in the 21 century, (Oxford University Press, New York, 2005) estimate that 30% of suicides by women.

⁸⁰ Sjoberg & Gentry, *supra* note 78, p. 112.

⁸¹ *Ibid*, p. 127.

⁸² B. De Graaf, *Gevaarlijke Vrouwen – tien militante vrouwen in het vizier* (Boom, Amsterdam, 2012) at 319.

⁸³ Bloom, *supra* note 77, p. 4.

The probably most unexpected role of female perpetrators is as sex offenders. Yet women have also been involved in war related sexual violence. African Rights reports that during the Rwandan genocide women were involved in sexual violence.⁸⁴ A witness reports how a woman who had a hairdresser's shop in Kigali killed a wealthy Tutsi business woman: 'Maman Aline demanded to kill the woman herself. There were some displaced women from Gisozi who had pointed sticks. They tried to penetrate her vagina with them. They opened her legs and Maman Aline penetrated her vagina with a stick. Then [a woman called] Pauline came along with a big masu and hit her on the head.'⁸⁵ In the book *The men who killed me* there is a story of a thirteen year old Tutsi boy who was held prison by a Hutu woman who sexually abused him for a number of weeks.⁸⁶ But these are not the only cases: other scholars studying mass atrocities in Africa have reported that women were involved in committing sexual violence.

Dara Cohen reports that within Sierra Leone committing a gang rape was considered a means of combat socialization and women as well as men participated in these gang rapes. According to some estimates women were involved in one out of four gang rapes in Sierra Leone.⁸⁷ Within this conflict the RUF was considered the group which was most responsible for sexual violence and this was also the group which had most women in its ranks.⁸⁸ Women often picked the victims and held them down during the gang rape. In other cases women used bottles and other objects to rape the victims themselves.⁸⁹ A quantitative analysis by Lynn Lawry in DR Congo shows that in this conflict too women were actively involved in sexual violence. She concludes that '17 per cent of survivors of sexual based gender violence perpetrated by the Mai Mai name females as perpetrators'.⁹⁰ More in general 40 per cent of the female survivors and ten per cent of the male survivors of sexual violence report the perpetrator to be female.⁹¹

The pictures of the abuse at Abu Ghraib shows that in the War on Terror women were purposefully used to sexually abuse and humiliate the devout Muslims: they were held naked in sexually humiliating positions in the presence of women. The policy was deliberate, structural and widespread. An American scholar and attorney concluded: 'During the last year and a half, I learned that my clients - devout Muslim men - have been subject to sexual harassment and abuse both in and out of interrogation. They have been forced to strip naked in front of female guards; some have had their private parts touched and squeezed; some have been offered sex in exchange for cooperation; some have been threatened with rape.'⁹² In former Yugoslavia sexual violence was also widespread. So far little is known about the role of women but in some cases they were indeed involved. One female camp commander apparently took female prisoners to the front lines for the soldiers to rape them.⁹³ We can thus conclude that most sexual violence is probably still committed by men but that the involvement of women in sexual violence is probably much larger than initially expected.

3.7 Women as Political Leaders and Instigators

Women can also come to play a crucial role during a period of mass atrocities as political leaders. So far the only two women who have been convicted by international criminal courts and tribunals were political leaders. Biljana Plavsic was vice-president of the Republika Srpska and thus a leading Serbian political figure. She was

⁸⁴ African Rights, *supra* note 14, p. 83 and *see also* Hogg, *supra* note 16.

⁸⁵ African Rights, *supra* note 14, p. 40.

⁸⁶ A.M. de Brouwer & S.K. Hon Chu, *The men who killed me* (Douglas & McIntyre, Vancouver, 2009)

⁸⁷ *See* Cohen, *supra* note 35 and M. Humphreys & J. M. Weinstein, *What the fighters say: a survey of ex-combatants in Sierra Leone*, (June-August 2003), Centre on Globalization and sustainable development, Columbia University, available 2004 at: http://www.columbia.edu/~mh2245/Report1_BW.pdf (last checked 19 June 2013).

⁸⁸ Cohen, *supra* note 35.

⁸⁹ *See also* examples reported by Human Rights Watch, *We'll kill you if you cry*, (Human Rights Watch, New York, 2002) and Cohen, *supra* note 35.

⁹⁰ L. Lawry, K. Johnson, J. Asher, 'Evidence-based documentation of gender-based violence', in: A.L.M. Brouwer, C. de Ku, R. Römkens, R., & L. van den Herik, (eds.), *Sexual violence as an international crime: Interdisciplinary approaches* (Intersentia, Cambridge, 2013) at p. 300.

⁹¹ *Ibid*, pp. 300-301.

⁹² Kristine A. Huskey, 'The sex interrogators of Guantanamo', in Tara McKelvey (ed.), *One of the guys – women as aggressors and torturers*, (Seal Press, Emeryville, 2007), at p. 176.

⁹³ M. Husejnovic, Serb women war criminals: Monika Simonovic, 'She looked like a little girl', available at <http://bosniangenocide.wordpress.com/2011/12/20/female-serb-war-criminals-she-looked-like-a-little-girl/> (last visited 19 June 2013).

indicted for persecution and pleaded guilty. The Trial Chamber of the ICTY concluded that she ‘embraced and supported the objective [...] and contributed to achieving it. She did not participate with Milosevic, Karadzic, Krajisnik and others in its conception and planning and had a lesser role in its execution than Karadzic, Krajisnik and others.’⁹⁴ Her role was amongst others to encourage participation and publicly justifying the use of force. Pauline Nyiramasuhuko was also a political leader. She was a Rwandan minister and one of the members of the inner circle of power holders who prepared the genocide and charged and convicted with genocide and sentenced to life by the ICTR.⁹⁵ Both women show that women too can instigate others to commit mass atrocities. Their cases will be discussed in more detail in section 5.

With a few notable exceptions very few women play an important role in politics in a period of mass violence. In Rwanda for instance women were underrepresented: there were 3 female government ministers and 12 out of 70 members of parliament were female, there were no female *bourgmestres* and only one per cent of the *conseillers* were women.⁹⁶ Yet next to Nyiramasuhuko some other women played a leading role in the Rwandan genocide. Agathe Kanziga, the widow of president Habyarimana played an important role too. After her husband died she fled abroad and provided funding to Radio Milles Collines as well as the extremist newspaper Kangura which both infamous for instigating people to commit genocide.⁹⁷ Agnes Ntamabyaliro was Minister of Justice and was given a life sentence in Rwanda for her role in the genocide.⁹⁸ Other women participated in indoctrination meetings and as such participated in the preparation of genocide⁹⁹ or took the lead during the genocide. African Rights concluded that ‘some of the most cruel local government officials who organized the killings; especially in Kigali, were women.’¹⁰⁰ On a list published by the Rwandan government 2202 suspects including 47 women were named because of their prominent and leading roles in the genocide.¹⁰¹

Ieng Thirith is a further prominent example. She was indicted by the Extra-ordinary Chambers of the Cambodian Courts (ECCC) for her role in the genocide in Cambodia under the Khmer Rouge regime of Pol Pot. She was Minister of Social Affairs and the wife of one of the other accused, Ieng Sary who died in March 2013 before he could be tried. Thirith played an important role in the genocide. The Chamber however ordered a stay of the prosecution because she was unfit to stand trial. Some women can gain power by the mere fact that their husbands are head of state. Some of these women do not interfere with their husband’s job but some do and are known to have played an important role by influencing their powerful husbands and taking up the role of ‘Madame President’. A prominent example thereof is Mira Markovic, the wife of late Slobodan Milosevic, who is said to have been the driving force behind her husband. She spurred him on to gain more and more power – no matter at what costs. Another example is Jiang Qing, the wife of Mao, who played an active role during the cultural revolution and after Mao’s death. But there were others such as Eva Perron, Elena Ceausescu and Simone Gbagbo who is now indicted by the International Criminal Court.

3.8 A Variety of Roles

From the above enumeration it can be concluded that more men than women are involved in international crimes but also that many more women than so far assumed have been involved in mass atrocities. The presented anecdotal evidence has furthermore proven that there seems to be no role women haven’t played in the past. Most women are indirectly involved by supporting the regime and the criminal policies or behavior of their husbands. Many women have an administrative or supporting role but still quite a few are physically involved as traitors, thieves, prison and camp guards or combatants. Women can even be involved in sexual violence – sometimes in a supporting capacity (holding the victim) but in some cases also as the main physical perpetrator. The role of women as hands-on perpetrators is limited compared to men but might very well be much larger than we have assumed so far.¹⁰² The gathered evidence shows that women too can commit horrendous crimes and physically or sexually abuse, maltreat or kill other people. Women in other words can be as evil as men.

⁹⁴ ICTY 3 February 2003, Prosecutor versus Plavisc, IT-00-39&40/1-S.

⁹⁵ ICTR 24 June 2011, Prosecutor versus Pauline Nyiramasuhuko and others, Case No. ICTR -98-42-T.

⁹⁶ Hogg, *supra* note 16, p. 74.

⁹⁷ *Ibid*, p. 90.

⁹⁸ *Ibid*, p. 75. Another important Rwandese politician was Agathe Uwilingiyimana who had been prime minister of Rwanda and one of the first to be killed in the genocide.

⁹⁹ African Rights, *supra* note 14, p. 15.

¹⁰⁰ *Ibid*, p. 3.

¹⁰¹ Hogg, *supra* note 16, p. 90.

¹⁰² Lower, *supra* note 16, p. 27 estimates that one third of the female population and thus over 4 million women were actively involved with the Nazis.

4. The Gender Effect

The above overview shows that in history women have been found to play almost any possible role in relation to mass atrocities. Yet it is also true that many more men than women are involved in international crimes – especially in the physical perpetration thereof.¹⁰³ An interesting question is obviously how we can explain this. Within especially feminist discourses women have been assumed to be inherently more peaceful than men but are they really? What about the women described in the sections above who have been involved in mass atrocities? Are they all special and extra-ordinary (read: abnormal) women? Or are they ordinary women not very different from the ordinary men capable of mass atrocities and can the fact that so many more men than women are involved be explained by social factors alone? In the following subsections we will try to find answers to these questions. In doing so we will focus on the role of gender both in the portrayal of female perpetrators as in organizations such as the military and amongst political leaders. This is particularly relevant as most convicted perpetrators are either political leaders or members of militarized units.

4.1 Portrayal of Female Perpetrators: a Clear Gender Bias

Within literature and the media there is a remarkable difference between the portrayal of female perpetrators compared to male perpetrators. Female perpetrators are often described as mentally insane sadists who are more cruel and sadistic than their male counterparts. It however remains to be seen as to whether they really are more cruel or merely portrayed that way because people have trouble believing that women are capable of such extreme atrocities. In the portrayal of female perpetrators the overriding message seems to be that women who are involved must be either mentally disturbed, ‘unnatural and abnormal’ or must have been forced to commit such atrocities.¹⁰⁴ Sjoberg and Gentry studied the portrayal of female perpetrators and conclude that they are either portrayed as mothers, monsters or whores: ‘The mother narrative describes women’s violence as a need to belong, a need to nurture, and a way of taking care of and being loyal to men: motherhood gone awry. The monster narrative eliminates rational behavior, ideological motivation, and culpability from women engaged in political violence. Instead, they describe violent women as insane, in denial of their femininity, no longer women or human. The whore narrative blames violence on the evils of female sexuality at its most intense or its most vulnerable.’¹⁰⁵ These narratives are all very stereotyped and: ‘exclude the possibility that women can choose to be violent because violent women interrupt gender stereotypes. “Real” women are peaceful, conservative, virtuous and restrained; violent women ignore those boundaries of womanhood’.¹⁰⁶

Within the media coverage of cases of international crimes there are many illustrations of the ‘mother, monster, whore’ thesis forwarded by Sjoberg and Gentry. After the Second World War for instance the press covered the trials of female Nazis in a sensationalistic manner and very different from the coverage of trials in which the accused were male. The media described the female perpetrators as ‘beasts, sadists and seductresses’.¹⁰⁷ In one of the first of these Nazi trials Irma Grese a former camp guard at Ravensbrück, Auschwitz and Bergen Belsen stood trial.¹⁰⁸ Initially the press and public talked more about her appearance than about her crimes but when the atrocious crimes she committed became known she quickly received the nickname of the beautiful beast. She was however not the only one given a nickname: many other women were given nicknames such as the ‘witch of

¹⁰³ A similar gender gap has been identified by criminologists studying ordinary and conventional crime in relation to violent and serious crimes. See J. Miller & Christopher Mullins, ‘Feminist theories of girls’ delinquency’ at 32 and Robert Agnew, ‘The contribution of “mainstream” theories to the explanation of female delinquency’, both published in M. Zahn (ed.), *The delinquent girl* (Temple University Press 2009) at p. 7.

¹⁰⁴ See e.g. Coulter, *supra* note 2, p. 63 and Lower, *supra* note 16, p. 287. See also Kompisch, *supra* note 16, p. 236 who notes that female perpetrators in Nazi Germany were portrayed as either being young and naïve, being seduced by men or beasts.

¹⁰⁵ Sjoberg & Gentry, *supra* note 78, p. 13. See also the paper by Heschel entitled ‘Feminist Theory and the perpetrators’ as quoted by Waller, *supra* note 71, p. 301, footnote 12 and Lower, *supra* note 16, p. 290.

¹⁰⁶ Sjoberg & Gentry, *supra* note 78, pp. 50-51. Similar trends can be seen within criminological studies in discussions and research on female delinquency. See Miller & Mullins, *supra* note 103, p. 32.

¹⁰⁷ Lower, *supra* note 16, p. 70

¹⁰⁸ This was the trial against Josef Kramer and 44 others better known as the Bergen Belsen trial which took place in November 1945.

Buchenwald' and 'bloody Brigitte' and most of these women were depicted as sexually perverted women.¹⁰⁹ By demonizing female perpetrators a distance between these "abnormal and unnatural" women and ordinary peaceful women was created. Just after the atrocities committed at Auschwitz and the many other camps people did not want to believe that the perpetrators (whether male or female) were ordinary people and preferred to see them as mentally disturbed, inherently violent and criminal human beings. Scholars such as Hilberg, Arendt and Browning have however convincingly showed that most perpetrators were rather ordinary and that they can come to commit evil crimes for very banal reasons.¹¹⁰ Thanks to their scholarship it is now generally accepted that most perpetrators are indeed just very ordinary people. This insight is however limited to men: it seems that the assumption that female perpetrators cannot be ordinary women is still prevalent today. The underlying thought and assumptions clearly is that: 'real women do not commit such crimes'.¹¹¹ Women who fight transgress the female stereotypes more than men do and are therefore more often considered as 'deviant and unnatural'.¹¹² In most cultures men are considered to be more aggressive and women are supposed to be more caring – seeing a woman commit atrocities is thus often more shocking than seeing a man commit similar atrocities. Cunningham noted: 'Women's involvement in political violence continually shock us, no matter the context, challenging cross-cultural gendered normative assumptions about human behavior [...]'.¹¹³ It might thus be very well possible that women are portrayed as more evil without actually being more evil.¹¹⁴

Next to being portrayed as evil monsters, female perpetrators are also often portrayed as lacking agency.¹¹⁵ The assumption yet again being that ordinary women would not commit such atrocities so - if they are not insane - they must have been forced. Women themselves have in some cases supported these stereotyped gender images. Especially while defending themselves in front of a court many women tried to exploit these sentiments by declaring that they could not possibly have committed atrocious crimes out of their own accord.¹¹⁶ In some cases this worked and some judges trying female perpetrators were influenced by these same gender stereotypes.¹¹⁷ Outside of the courtroom most female soldiers do however not like to be considered as being different compared to their male counterparts, nor as lacking of agency. The 'vast majority' of female soldiers interviewed by Eriksson Baaz and Stern '...described themselves as having equal propensity for and agency in the violence committed in comparison with their male colleagues'.¹¹⁸

These examples and the stereotyped portrayal of female perpetrators as either wicked and insane or as being forced by men clearly show us that within society there are clear gender norms which dictate what can be perceived as acceptable and unacceptable behavior for men and women respectively. Atrocities violate legal and moral norms no matter whether they are committed by men or women but women who are involved in mass

¹⁰⁹ See also Herkommer, *supra* note 20, p. 114. The same is true for the portrayal of ordinary female delinquents. They too are often portrayed as sexual deviant and a sexualized image of them is presented. See Miller & Mullins, *supra* note 103, p. 47.

¹¹⁰ H. Arendt, *Eichmann in Jerusalem – a report on the banality of evil* (Penguin Books, New York, 1964); R. Hilberg *Perpetrators, victims, bystanders – the Jewish catastrophe* (Harper Perennial, New York, 1992); Ch.R., Browning, *Ordinary men - Reserve Police Battalion 101 and the final solution in Poland* (Aaron Asher Books, New York, 1992).

¹¹¹ Hogg, *supra* note 16, p. 100. See also Sjöberg & Gentry, *supra* note 78, p. 2.

¹¹² Coulter, *supra* note 28, p. 14. See also Gilani, 'Transforming the perpetrator into victim: the effects of gendering violence on the legal and practical responses to women's political violence', *Australian Journal of Gender and Law* (2010) 1-40 at p. 9 who notes: 'these narratives imply that violence is an inevitable consequence of a woman failing to conform to her prescribed gender norms.'

¹¹³ K.J. Cunningham, 'Female participation in the Iraqi insurgency: insights into nationalist and religious warfare', in Chandler et al., *supra* note 9, p. 205.

¹¹⁴ See also Kompisch, *supra* note 16, p. 181.

¹¹⁵ See for instance in relation to Nazi crimes Kompisch, *supra* note 16, p. 234. In some cases this lead to remarkable acquittals as in the Euthanasia trial in 1965 in which 14 nurses of the Meseritz-Obrwalde centre were acquitted. Anne-Marie de Brouwer & Etienne Ruwebana, 'The legacy of the Gacaca courts in Rwanda', 13 *International Criminal Law Review* (2013) 937-976 and Gilani *supra* note 112, at p. 6 states: 'when a woman commits an act of violence she is rarely regarded as an agent of violence, and more often considered a victim herself.'

¹¹⁶ Kompisch, *supra* note 16, p.196 and p. 235; Herkommer, *supra* note 20, p. 107 and Hogg, *supra* note 16, p. 82.

¹¹⁷ Lower, *supra* note 16, p. 257 especially the influence of their husbands was in many cases considered detrimental.

¹¹⁸ Eriksson Baaz & Stern, *supra* note 2, p. 713.

atrocities violate gender norms in addition to that and that often becomes the central focus of attention when reporting these atrocities. This finding raises the question as to what gender is and how it affects the behavior of men and women and to what extent it plays a role in the capacity of men and women to commit atrocities. These issues will be discussed in the next section in which we draw particular attention to the effect of gender roles and norms with two institutions which are particular relevant to this study as most perpetrators are members of these two institutions: the political leadership of a country and the military.

4.2 *The Effect and Role of Gender Norms on Women in the Political Arena and in Militarized Units*

Gender roles and gender norms play an important role in each and every society. They reflect ‘socially assigned, expected roles on the basis of perceived membership in implicitly natural sex groups’¹¹⁹ and tend to push women and men into these roles. Traditionally speaking men are expected to be the protectors of their families who provide money, food and shelter for their families while women are meant to look after the children and do work at home. Men may consequently be aggressive and violent while women are required to be sensitive and compassionate. Women are furthermore in many places still far from equal to men, have less education, and fewer means to get certain jobs and positions. Men are often considered natural leaders while women are supposed to follow their leadership. This explains why it is generally harder for women to make themselves a career than for men and explains why women are underrepresented within the political leadership of a country. Although some women defy these gender roles and became part of this leadership as we shall see in section 5, they often somehow do not seem to fully fit into this men’s world: they do not belong to ‘the old boys club’ and are often merely tolerated rather than fully respected. Although there are some prominent exceptions very few women have arisen to a position of real power in patriarchal and oppressive societies which often strongly embrace these gender norms.

Gender roles and norms have equally stirred women away from the military. Throughout history the vast majority of all combatants are male. Women who served in the army were often nurses or aides who were not involved in actual combat. There were for instance 500.000 women in the Wehrmacht (compared to 18 million men) and 4.000 in the SS (compared to 900.000 men).¹²⁰ There were thus less than three per cent women in the Wehrmacht and less than one per cent women in the SS. In Rwanda less than ten per cent of the Interahamwe members were women.¹²¹ Women thus represented only a small minority of the members within these organizations. It is only since the last 40 years that this is gradually changing although many women are still not allowed to actively engage in combat.¹²² In some conflicts women do play a more prominent role: in both Sierra Leone and Uganda’s Lord Resistance Army (LRA) 30 per cent of the members are female. But even though these numbers are remarkable women are still clearly a minority group. As most hands-on perpetrators are members of militarized units such as the army, the police force or specialized units the underrepresentation of women can explain why so many more men than women are involved in mass atrocities. This however is not the only reason. Equally important is the very patriarchal nature of the military in which gender roles and norms are clearly enshrined.

Within the military being a good soldier is often linked to masculinity and many armies promote the ideal male identity as being a heroic warrior.¹²³ In these stereotyped images males are pictured as ‘protectors of the civil population with a duty to protect women and children’¹²⁴ and as having courage and lacking fear while women are portrayed as weak and full of fear.¹²⁵ For many men the army is the place to prove one’s manhood and being called a woman is an insult.¹²⁶ Making it through military training is often seen as a test of manhood and those

¹¹⁹ Laura Sjoberg, ‘Reconstructing women in post-conflict Rwanda’, in Chandler et al., *supra* note 9, p. 181. See also Sjoberg and Gentry, *supra* note 78, p. 6 who concluded that: ‘masculinities and femininities are made up of behaviour expectations, stereotypes, and rules which apply to persons because they are understood to be a member of particular sex categories.

¹²⁰ Kompisch, *supra* note 16, p. 216 and p. 234.

¹²¹ Adler et al., *supra* note 26, p. 223.

¹²² Human Security Report (HSR) of 2005, *supra* note 79, estimated that nowadays 5-15% of government armed service personnel are female at p. 111.

¹²³ McKay and Mazurana, *supra* note 28, p. 14.

¹²⁴ Eriksson Baaz & Stern, *supra* note 2, p. 712

¹²⁵ M. Eriksson Baaz & M. Stern, ‘Whores, men, and other misfits: undoing ,feminization in the armed forces in the DRC’, *African Affairs* (2011) at p. 573.

¹²⁶ M. Eriksson Baaz & M. Stern, Making sense of violence: voices of soldiers in the Congo (DRC), 46 *Journal of Modern African Studies* (2008) 57-86 at pp. 67-68 and p. 74.

who fail are called ladies or girls. Women embody female values which are rejected in the army.¹²⁷ These stereotyped gender images affect both men and women. Coulter for instance states: 'Men who refuse to fight will often be ridiculed, jailed or even killed for their cowardice, or lack of manliness.'¹²⁸

Eriksson and Baaz who conducted research in the Democratic Republic of Congo (DRC) on female combatants stated that: 'Like in other military institutions globally, many men in the FARDC military hierarchy question women's presence in the armed forces.'¹²⁹ It is argued that 'women's (supposed) physical and psychological weaknesses makes them unsuitable for combat and that women's presence erodes unit cohesion through fraternization and sexual distractions.'¹³⁰ In the macho world of the military women are looked upon with contempt and are merely seen as objects to fulfill men's desire who are not suitable for combat, while combat is described as the function of the real (masculine) army.¹³¹ The underlying notion is that 'the military as a male sphere [is] not suited for "real women".'¹³² As a consequence thereof women are often excluded from fighting.¹³³ Being excluded from fighting – the only "real" task of the army makes that women in many respects are, as D'Amico concluded, 'still seen as "outsiders" in what many perceived as a definitely masculine institution.'¹³⁴ Within the military *corps d'esprit* is cherished but seems to include just men – a band of brothers. In their research in Brazil on 'violence workers' Higgins, Haritos-Fatouros and Zimbardo also stress the important link between the military and masculinity. The military represents a gender based social dominance of masculinity and "real men". They define masculinity as 'an ideology that justifies and naturalizes male domination.'¹³⁵ Higgins et al. do not claim that masculinity itself caused violence but note that masculinity played an important role in the socialization of these men: '... within such a secret, club-like atmosphere, norms of highly concentrated masculinity may empower and reward violence as the primary means of demonstrating one's over-the top maleness to others and to oneself'.¹³⁶

In many countries women are now accepted in the army but often only in subordinate positions. In Nazi Germany for instance the women who joined the SS were not accepted as full members but as so-called auxiliaries and in the camp order it was stated that a woman could never outrank an SS man.¹³⁷ Having women in superior positions to men is a sensitive issue. An American soldier in a court-martial made this very explicit: "I don't take orders from women."¹³⁸ In some more revolutionary ideologies – women are sometimes placed on a more equal footing to men which might explain the relatively high percentages of women in rebel and guerilla forces such as the Sandinista National Liberation Front in Nicaragua (est. 30 per cent women), Shining Path in Peru, the FARC in Columbia and the Tamil Tigers in Sri Lanka.¹³⁹ Here too it might very well be possible that women have to struggle and find their place within the very masculine culture – female soldiers interviewed general stress the fact that they are soldiers rather than the fact that they are female soldiers.¹⁴⁰

Taking this macho culture into account it is not hard to imagine that women who do become members of military organizations have a lot to cope with.¹⁴¹ They are often considered and treated as inferiors. It is characteristic that in some armies many of those who do not fit the ideal role model (both men and women) are physically or sexually abused. In a recent report of the Pentagon for instance it is estimated that there were 26.000 cases of sexual abuse in the US army in the last year.¹⁴² Although the majority of the reported cases (53 per cent)

¹²⁷ See Eriksson Baaz & Stern, *supra* note 126, p. 722.

¹²⁸ Coulter, *supra* note 2, p. 57.

¹²⁹ Eriksson Baaz & Stern, *supra* note 2, p. 715.

¹³⁰ *Ibid*, p. 718.

¹³¹ *Ibid*, p. 725.

¹³² *Ibid*, p. 730.

¹³³ Charli Carpenter, *supra* note 6 p. 672

¹³⁴ D'Amico, *supra* note 10, p. 45.

¹³⁵ Higgins et al., *supra* note 59, p. 86.

¹³⁶ *Ibid*, p. 250.

¹³⁷ Brown, *supra* note 22, pp. 8-9.

¹³⁸ D'Amico, *supra* note 10, p. 48

¹³⁹ HSR 2005, *supra* note 79, p. 111.

¹⁴⁰ See Eriksson Baaz & Stern, *supra* note 2 and K. Holmstedt, *Band of sisters – American women at war in Iraq*, (Stackpole Books, Mechanicsburg 2007).

¹⁴¹ See for an insider story, J. Karpinsky with S. Strasser, *One woman's army – The commanding general of Abu Ghraib tells her story* (Miramax Books, New York, 2005).

¹⁴² See newspaper report: <http://www.voanews.com/content/senate-considers-changes-to-curb-sexual-assault-in-military/1674866.html> (last viewed 23 June 2013).

involved attacks on men, women 'are significantly more likely to be sexually assaulted in the military than men'.¹⁴³ All in all we can conclude that the military is a very patriarchal organization in which very stereotyped gender roles and gender norms are likely to strongly affect both men and women working within this environment. This can not only explain why so many more men than women are members of these militarized organizations but also why more men than women once recruited by these organizations get involved in mass atrocities. All in all we can conclude that there seems to be little evidence and proof that women are indeed inherently more peaceful than men but rather that other (social) factors account for the predominance of male rather than female perpetrators.¹⁴⁴

5. The Cases of Biljana Plavsic and Pauline Nyiramasuhuko

As already stated earlier so far only two women have been convicted by an international criminal court and tribunal for their involvement in international crimes: Biljana Plavsic and Pauline Nyiramasuhuko. Both women were influential political leaders: one in Bosnia Herzegovina, the other in Rwanda – both thus defied gender inequality and made themselves a name in the political arena which is usually dominated by men. In this section we will focus on their cases and see what we can learn from their cases. How can we explain that these two women were singled out for prosecution? What made them stand out? How can we explain their rise to such powerful positions within a violent and oppressive regime and how can we explain their involvement in mass atrocities?

5.1 The Case of Biljana Plavsic

Biljana Plavsic was born on the 7 July 1930 in Tuzla in Bosnia Herzegovina which at the time was still part of the Socialist Federal Republic of Yugoslavia. Before entering politics Plavsic was a Professor of Natural Sciences and Dean of Faculty at the University of Sarajevo and a highly accomplished scientist who published over 100 scholarly papers. In 1990 at the age of sixty she co-founded the Serbian Democratic Party and became the first female member of the Socialist Republic of Bosnia Herzegovina. Two years later in 1992 when the Serbian Republic of Bosnia Herzegovina became independent under the name of Republika Srpska and Radovan Karadzic its first president, Plavsic became one of the two acting vice presidents and his deputy. Together with Karadzic and Momcilo Krasjnik, the other vice president, she had de facto control and authority of the members of the Bosnian Serb armed forces led by Radko Mladic. Plavsic was thus at the centre of political power during the Bosnian wars in 1992-1995. She was known for her radical statements and hate speeches. She considered the Serbs superior to the Muslims whom she described as genetically deformed. Plavsic used her biology background to justify and rationalize the crimes: she for instance described ethnic cleansing as a form of natural selection and a matter of biology. She was considered a radical even by Karadzic and Milosevic and was known as the 'Serbian Empress' and 'Serbian Iron Lady'. She became a powerful, prominent and influential figure in politics. She invited militias to help the army with the ethnic cleansing. In an infamous televised broadcast she stepped over a dead body and kissed Zelkjo Raznjatovic, better known as Arkan and the infamous and very violent and cruel leader of the Arkan Tigers¹⁴⁵ whom she considered to be hero. At the end of the war she -unlike some of the other leaders- however supported the Dayton Accords and from 1996 to 1998 she served as the 2nd president of the Republika Srpska succeeding Karadzic who at that time was already indicted by the ICTY.

In April 2000 Plavsic was indicted by the ICTY together Momcilo Krasjnik and charged with several counts of genocide, crimes against humanity and war crimes. Plavsic voluntarily surrendered in January 2001 and initially pleads not guilty. On 16 December 2002 she however pled guilty to persecution as a crime against humanity and in return the seven other charges including the genocide charges were dropped. She did plead guilty to the ethnic cleansing in 37 communities in which approximately 50.000 non-Serbs were killed. Plavsic was the first high-ranking Bosnian Serb politician to plead guilty and according to the prosecutor thus contributed to reconciliation in Bosnia. Madeline Allbright, Carl Bildt and Alex Boraine testified on her behalf. The ICTY judges noted that Plavsic participated in 'a crime of the utmost gravity' but that she wasn't as culpable as

¹⁴³ See newspaper clipping: <http://www.nytimes.com/2013/06/24/us/in-debate-over-military-sexual-assault-men-are-overlooked-victims.html?pagewanted=all> (last checked 23 June 2013).

¹⁴⁴ See also Bloom, *supra* note 77, p.2 and Sjoberg who concludes that it is not accurate to consider women more peaceful than men, see Sjoberg, *supra* note 119, p. 182.

¹⁴⁵ C.S. Stewart, *Hunting the Tiger – the fast life and violent death of the Balkans' most dangerous man*, (Thomas Dunne Books, New York, 2008)

Karadzic and Krasjnik who exercise primary control.¹⁴⁶ Plavsic however, nevertheless supported the ethnic cleansing and invited Serbian paramilitaries to assist in these cleansing and was thus found guilty.¹⁴⁷ She was sentenced on 27 February 2003 to 11 years imprisonment. The judges regarded the fact that she surrendered voluntarily, her age, post conflict conduct and guilty plea as mitigating circumstances. They considered her guilty plea and remorse as genuine.¹⁴⁸ The fact that she refused to implicate others and refused to cooperate with the prosecution was not held against her. Many people criticized this very lenient sentence: questioning whether guilty pleas in relation to such extreme crimes should ever lead to leniency. After all she had been one of the leading figures and Krasjnik one of her confederates was given a 20-year sentence.¹⁴⁹ Her guilty plea helped - without doubt- but probably also her gender and appearance might have played a role: 'she seemed out of place among a group of ruthless men.'¹⁵⁰ Chifflet and Boas note that: 'The Judgment reflects a story of a well-educated, now delicate old lady, who, caught up in events, came to see the error of her ways.'¹⁵¹ Plavsic did not appeal the decision and was sent to Sweden to serve her sentence.

In prison Plavsic wrote her lengthy two-volume memoirs which were published in 2005. In these memoirs she retracted her admissions and 'reiterated a particularly hard-line, nationalist worldview that showed little, if any, rehabilitation and political change.'¹⁵² She also distanced herself from Karadzic whom she described as a criminal and a coward.¹⁵³ In 2009 she gave an interview in which she stated: 'I have sacrificed myself. I have done nothing wrong. I pleaded guilty to crimes against humanity so I could bargain for the other charges. If I hadn't, the trial would have lasted three, three and a half years. Considering my age that wasn't an option.'¹⁵⁴ It thus became crystal clear that the only reason why she had pled guilty was to get a lenient sentence – it was in other words a calculated manoeuvre. ICTY-president Patrick Robinson nevertheless granted her request for early release after she served two thirds of her sentence. He reckoned that she demonstrated substantial evidence of rehabilitation. Plavsic was released on 27 October 2009 and granted a hero's welcome in the Republic of Srpska.¹⁵⁵

The indictment and prosecution of Plavsic was not a surprise as she had been one of the leading figures in the war in Bosnia and Herzegovina and her virulent racism certainly helped to justify and legitimize the persecution and killing of non-Serbs. During the war her extreme statements seem to show that she was a fanatic but it is also clear that Plavsic was a very ambitious woman who probably enjoyed the power and being in the limelight. After having been a very accomplished scholar she started a political career at age 60 and progressed quickly to a high position. She is often described as cold and calculated. Drakulic describes her as calm, composed and dignified but also as arrogant with an air of superiority.¹⁵⁶ Her elitist attitude also showed when she started to complain about her prison in Sweden and showed disdain for her fellow inmates: 'None of the other prisoners have read a

¹⁴⁶ ICTY 3 February 2003, *Prosecutor v. Plavsic*, IT-00-39&40/1-S.

¹⁴⁷ N.A. Combs, International decisions: prosecutor v. Plavsic, *American Journal of International Law* (2003), 292-937.

¹⁴⁸ Subotic noted however that 'not everyone was impressed' by her statement. It was cold, superficial and lacking direct apologies. Del Ponte later reiterated in her memoirs: 'I listened to her admission in horror, knowing she was saying nothing', while a Srebrenica survivor noted: 'I feel like crying. There was nothing human in her words, not a note of apology. She didn't do it for me. She did it for the Serbian cause.' See J. Subotic, The cruelty of false remorse: Biljana Plavsic at the Hague, 36 *Southeastern Europe* (2012) 39-59.

¹⁴⁹ See also P. Chifflet & G. Boas, 'Sentencing coherence in international criminal law: the cases of Biljana Plavsic and Miroslav Bralo', 23 *Criminal Law Forum* (2012) 135-159 who discussed the difference in sentencing between Plavsic and Bralo, two indictees who both plead guilty. Plavsic one of the leading figures was sentenced to 11 years while Bralo a foot soldier to 20 years.

¹⁵⁰ Subotic, *supra* note 148, p. 41-42. See also Gilani *supra* note 112, p. 12 who notes: 'The narratives highlight Plavsic's femininity by portraying her as a pacifist who genuinely wanted to end the conflict in the Balkans.... These narratives succeeded in constructing an image of Plavsic that gave the impression that she was a woman who was unsuspectingly exploited by first her male colleagues, and later by the international criminal tribunal when she was indicted for crimes against humanity, genocide and war crimes.' See also p. 18 and 27 and ¹⁵⁰ Chifflet & Boas *supra* note 149.

¹⁵¹ Chifflet & Boas, *supra* note 149, p. 149.

¹⁵² Subotic *supra* note 148, p. 40.

¹⁵³ *Ibid*, p. 40.

¹⁵⁴ The Local, a Swedish newspaper on 26 January 2009, available at: <http://www.thelocal.se/20090126/17162> (last visited 19 August 2014)

¹⁵⁵ Subotic, *supra* note 148.

¹⁵⁶ S. Drakulic, *They would never hurt a fly* (Penguin Books, London, 2004), pp. 176-177.

single book. And yet we are treated equally.¹⁵⁷ Her guilty plea and the retraction thereof later in her memoirs seem to indeed indicate that she is a ruthlessly calculating opportunist who tries to make the best out of the situation. She plead guilty to avoid a long trial and harsh sentence but showed no real remorse and wrote a book to justify herself thus probably trying to win back her popular support. In the book she tried to rely on her gender as proving her innocence. She stated: ‘According to their [Momcilo Krasnjik and Radovan Karadzic] understanding and that is a traditional understanding, at such times just before the war, and especially during war, there is no role for a woman. Discussions, negotiations, that is a job for male heads [...]. Is it not unfair to recommend me for a high function and later take over all my responsibilities and leave me only with accountability?’¹⁵⁸

5.2 The Case of Pauline Nyiramasuhuko

Pauline Nyiramasuhuko was born in 1946 in Butare, Rwanda. Pauline N., as she is commonly known, was born into a poor Hutu family but that did not stop her from being very ambitious and always wanting more. An old friend testified: ‘from her childhood Pauline had political ambition. She always wanted to achieve high. If she saw someone build a house, she wanted a bigger house. If she saw someone do well, she wanted to do better.’¹⁵⁹ She attended the same high school as Agathe Kanziga, who was later to become the wife of president Habyarimana. Initially she was trained and worked as a social worker. Later –with the help of her powerful friend Agathe Habyarimana - she started to work for the ministry and in 1968 she married a successful man and had four children. Pauline however wanted to forward her career even further and in 1986 at age 40 she started to study law at the National University of Rwanda. After having been a local politician she in 1992 became a minister in Rwanda’s government. The people of Butare were proud of her – as she was a woman who had made herself a career. She was nicknamed ‘Butare’s favourite daughter’.¹⁶⁰ In the years prior to and during the genocide Pauline was within the center of power and without doubt ‘one of the most powerful women in Rwanda’s government’.¹⁶¹

Nyiramasuhuko was named by prime minister Kambanda in his guilty plea at the ICTR as ‘among the five members of his inner sanctum ‘where the blueprint of the genocide was first drawn up.’¹⁶² She not only played an important role in the genocide but was also the main instigator of the mass rapes and killings in Butare. She was present at the crime scene and gave direct orders to erect road blocks and rape and kill Tutsis and even ordered her own son, who was a leader of the Interahamwe to rape women.¹⁶³ As Minister of Family and Women’s Affairs she was supposed to promote the role of women and families in Rwandan society but did the complete opposite. It is not clear to what extent Pauline really hated Tutsis or whether it was a deliberate political move which -within a polarized society- would make her rise to a more powerful position. It has also been suggested that Pauline’s great-grandfather had in fact been a Tutsi and that therefore she too was a Tutsi – in that case her extremism could have been a means to hide her true identity.¹⁶⁴ Whatever the truth is, this does not change the fact that as of the start of the genocide Pauline had become a very outspoken and virulent radical. In the narratives she is generally portrayed as ‘a sexually deviant and psychologically unbalanced woman.’¹⁶⁵ She for instance ordered the Tutsi women to be raped before they would be killed. Her violence is portrayed ‘as the work of someone who enjoyed degradation and torture. By casting her as a sadist, these narratives succeed in portraying brutality as an artefact of psychological pathology.’¹⁶⁶ It sometimes alleged that she had ‘personal feelings of inadequacy and unnatural proclivity for sexual competition’ and that the violence against Tutsi women was a ‘personal vendetta’.¹⁶⁷

After the genocide she fled to the DRC but was arrested on 18 July 1997 in Nairobi, Kenya. The ICTR indicted her with 11 counts of genocide, crimes against humanity (including rape) and war crimes. She was tried together

¹⁵⁷ The Local, *supra* note 154.

¹⁵⁸ Plavsic in her memoirs as quoted by Subotic, *supra* note 148, p. 53.

¹⁵⁹ P. Landesman, *A woman’s work*, New York Times Magazine (2002).

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² Mark Drumbl, ‘She makes me ashamed to be a woman: the genocide conviction of Pauline Nyiramasuhuko, 2011, *Michigan Journal of International Law* (2013) 559-603.

¹⁶³ Landesman, *supra* note 159.

¹⁶⁴ *Ibid.*

¹⁶⁵ Gilani, *supra* note 112, p. 14.

¹⁶⁶ *Ibid.*, p. 14.

¹⁶⁷ *Ibid.*, p. 15.

with 5 others including her son Ntahobali in a case which was generally referred to as the Butare case. She was mainly indicted for inciting the violence rather than physically committing the crimes herself – although she was reported to be seen at several crimes scenes personally ordering and overseeing the perpetration of the rapes and killings. She was said to have distributed condoms amongst the soldiers in order to protect them from getting AIDS. In court Pauline and her defense team denied all charges and tried to rely on her gender as a defense. They suggested that women are by nature peaceful and that she therefore could not have been involved in the violence, rapes and genocide. Especially the fact that she was a mother was forwarded as a reason as to why she could not have been a murderer. She claimed to be ‘a scapegoat of men’s violence’.¹⁶⁸ In an interview in 1995 she had already told the BBC: ‘I cannot even kill a chicken. If there is a person who says that a woman – a mother – killed, then I’ll confront that person.’ Her husband relied on similar sentiments when interviewed by the BBC and stated: ‘It is not culturally possible for a Rwandan woman to make her son rape other women. It just couldn’t have taken place.’

The trial in which she was the lead defendant drew a lot of media attention. While thousands of women had already been tried and convicted for genocide by national courts, Pauline was the first woman ever to be tried for genocide by an international court and tribunal and this was picked up by the media.¹⁶⁹ Sterling noted: ‘the press seems more fixated on her gender than the significance of her crimes and her prosecution’.¹⁷⁰ Mark Drumbl came to a similar conclusion: ‘her status as woman and mother to accentuate her personal culpability and individual deviance i.e. she is a worse perpetrator, a greater disappointment, and a more shocking offender because she is a woman, mother and grandmother.’¹⁷¹ Another particular feature which drew the attention of the media was the fact that one of the five other co-defendants was her son. The trial lasted ten years and was the longest trial ever conducted by an international criminal court or tribunal. On 24 June 2011 the ICTY finally rendered its judgment. Pauline was found guilty of 7 of the 11 charges. She was found guilty of conspiracy to commit genocide and genocide; of crimes against humanity (extermination, rape and persecution) and of war crimes (violence to life and outrages upon personal dignity). In relation to the crimes committed the judges noted that: ‘the evidence . . . paints a clear picture of unfathomable depravity and sadism.’¹⁷² Drumbl concludes that overall the ‘trial judgment carefully pursues a neutral approach to the gender.’¹⁷³ Just like her son in the very same case Pauline N. was sentenced to life imprisonment. Both appealed the decision.

5.3 Conclusion

Biljana Plavsic and Pauline Nyiramasuhuko were rightfully singled out for prosecution due to their leading political roles in the periods of mass violence within their respective countries. Despite the biased media coverage neither of the two women can be considered abnormal or mentally disturbed. Both were however clearly very ambitious women who deliberately chose to embark on a political career and both rose to very high and powerful positions mainly due to their calculating nature and extremist views. In both cases it is possible – even likely – that they became such fanatics in order to advance their political careers. The fact that they were women in a men’s world might have caused them to become even more extreme – and show the men around them that they were equal partners. But even if this was the case and their extremism was indeed less a matter of hatred than a calculated maneuver – it was a position they took up deliberately and a choice they made consciously. In retrospect they both tried to rely on their gender as proof that they could not have been involved in such extreme crimes. Plavsic’s lenient sentence might have been affected by her gender and appearance but it did not make the judges of Pauline more lenient – she received the maximum penalty. Both cases clearly show that women – very ambitious but otherwise very ordinary women – who rise to powerful positions are equally capable of committing and organizing mass atrocities as their male counterparts.

In the next section we will focus on the motives of the many other women who – often as low ranking perpetrators – have been involved in mass atrocities and how we can compare their motives to those of men.

6. Motives of Women Involved in Mass Violence

¹⁶⁸ *Ibid*, p. 19

¹⁶⁹ Drumbl, *supra* note 162, p. 563

¹⁷⁰ C. Sperling, ‘Mother of atrocities: Pauline Nyiramasuhuko’s role in the Rwandan Genocide’, *Fordham Urb. L.J.* (2005-2006), p. 637.

¹⁷¹ Drumbl, *supra* note 162, p. 564.

¹⁷² ICTR 24 June 2011, *Prosecutor v. Pauline Nyiramasuhuko and others*, Case No. ICTR -98-42-T

¹⁷³ Drumbl, *supra* note 162, p. 580.

As concluded above many more men than women are involved in mass atrocities for the very simple reason that the organizations involved in the perpetration thereof are traditionally male dominated organizations. This raises three questions: first of all: why do some women nevertheless join such organizations? Secondly how do they get involved in committing international crimes and what motives do women have? And lastly: to what extent do the motives of these women differ from the motives men have? These questions are central to the following subsections.

6.1 Why Women Join Militarized Units

Women and girls can join military units in a number of different ways: they can be forced, recruited or join voluntarily. In some cases women and girls are abducted and forced to join militarized units.¹⁷⁴ The overwhelming majority of girl soldiers in for instance many war torn African or Asian countries are recruited in this way – some are as young as nine years old when abducted.¹⁷⁵ The phenomenon of abduction is widespread: according to McKay and Mazurana ‘in the period 1990-2003 armed groups abducted girls soldiers in twenty-eight countries.’¹⁷⁶ Girls can be abducted by rebels or government forces. Rebel forces like the RUF in Sierra Leone and the LRA in Uganda are infamous for using this recruitment method.¹⁷⁷ Abducted girls are often physically abused, regularly raped, used as slaves and many are subjected to forced marriage and thus become so-called Bush wives while others are forced to fight.¹⁷⁸ One of these abductees recounts: ‘When I was captured we were put in one room. As we were in that room any man, whether small or big, comes to have sex with me, you can’t deny him. If you do, you will be killed’.¹⁷⁹ The reason why they didn’t escape was ‘fear of leaving and fear of returning home ... many were killed if they were caught escaping, and others had been forced to kill relatives and were afraid of reprisals if they returned home’.¹⁸⁰ Eriksson Baaz and Stern note that there is a forceful stigma attached to women in the armed forces: they are considered unfit for marriage and family life.¹⁸¹ Girls who join the rebels transgress gender norms and even if the reason they do is because they were abducted, they suffer repercussions.¹⁸² Many girls and women who have been forcefully abducted by rebel movements were for instance, upon return, rejected by their own communities. It was already noted that: ‘women who oppose female stereotypes in war will often be regarded as deviant or unnatural’.¹⁸³ When fighting and committing atrocities women are ‘forced to violate taboos more fully than boys.’¹⁸⁴ In his research Coulter concluded that in ‘Sierra Leone, and also in Liberia, Peru, and Sri Lanka, female fighters have often been regarded by the civilian populations as monsters, barbarians and frequently as more cold blooded than male rebels.’¹⁸⁵ When women choose to use violence this seems to be the point of no return, more so than for men.¹⁸⁶ By taking part in violence women have to transgress stereotyped gender roles and their involvement is in that sense more costly which makes them more determined but also makes it more difficult for them to return home.¹⁸⁷

¹⁷⁴ 93% Female RUF fighters say they were abducted compared to 85% of the men. Cohen, *supra* note 35.

¹⁷⁵ Coulter, *supra* note 28, p. 99 refers to R. Brett & I. Specht, *Young soldiers - Why they choose to fight*, (London, Boulder Colorado, 2004), p. 85.

¹⁷⁶ M. Wessels, *Child soldiers – from violence to protection*, (Harvard University Press, Cambridge, 2006) at 88

¹⁷⁷ In Angola and Mozambique many girl soldiers are abducted as well.

¹⁷⁸ Coulter, *supra* note 28, p. 3 and p. 9.

¹⁷⁹ *Ibid*, p. 97.

¹⁸⁰ *Ibid*, p. 240.

¹⁸¹ Eriksson Baaz & Stern, *supra* note 125, p. 720

¹⁸² R.L. Riley, ‘Women and war: militarism, bodies, and the practice of gender’, *Sociology Compass* (2008) 1192-1208.

¹⁸³ Coulter, *supra* note 2, p. 57

¹⁸⁴ *Ibid*, p. 63.

¹⁸⁵ *Ibid*, p. 57. See also Coulter, *supra* note 28, p. 22 and p. 137; Cohen, *supra* note 35 and Brown, *supra* note 22, p. 9. See also Husejnovic *supra* note 93.

¹⁸⁶ Unfortunately girl soldiers returning home experience such a sentiment too. They are often not accepted back by their families (Coulter, *supra* note 28, p. 1) and experience disapproval, rejection and stigmatization. Often no one wants to marry a rebel woman and it is considered shameful to be one. The general sentiment is that ‘by staying with the rebels for so many years had made them to become rebels too. See Coulter, *supra* note 28, p. 209. DDR programs do not focus on women and women are often not seen as real combatants. See Coulter, *supra* note 28, p. 157 and Annan et al. 2011.

¹⁸⁷ See also McDonald, *supra* note 59, p. 366.

In some cases women are asked or required to join via a kind of military service.¹⁸⁸ In Israel for instance men and women have to serve in the military. During the war in Sierra Leone rebel groups as well as government forces recruited women.¹⁸⁹ Some girls and women were not abducted nor recruited but participated voluntarily.¹⁹⁰ Reasons for women to join the ranks of militarized units can be manifold. Some women joined out of ideological conviction. Female rebels in Mozambique, Zimbabwe and Eritrea were ideologically motivated.¹⁹¹ In some cases women were motivated to not only fight for political goals but also for gender equality and the movement of which they are part provides them with this opportunity.¹⁹² Others joined because of the opportunities provided to them by doing so¹⁹³: they wanted a job, were in need for money¹⁹⁴, they wanted the education and training provided,¹⁹⁵ wanted to make themselves a career, wanted to gain status and become part of an elite,¹⁹⁶ wanted to exercise leadership, to be more independent or wanted to be considered equal to boys and men.¹⁹⁷ Still others joined because they were attracted by the adventure or because they liked the uniforms.¹⁹⁸ For some the 'typical masculine ideal of a soldier became a role model'.¹⁹⁹ Coulter notes that: 'girls who volunteered to fight were girls who possess strength, independence, courage persistence and character ... but these are not characteristics which are highly valued in women who have to submissive, servile, and a willingness to endure, and accept their subordinate position.'²⁰⁰ Joining could also be a means of escape or a 'matter of survival'²⁰¹ – girls or women who had lost their family members, looked for protection or felt that being a soldier and having a gun themselves would protect them against rape and other forms of abuse.²⁰² Some wanted to escape home and domestic exploitation and abuse, a planned marriage or a life as a slave.²⁰³ Female suicide terrorists have allegedly been drawn to terrorist movements simply because they felt that life had nothing left to offer them. In an interview one of the hostages of the Moscow hostage taking in which many Chechen black widows were involved explained: 'They told me when a Chechen woman's husband is killed, she can't marry again ... She has to put on a black mourning dress for the rest of her life. But by dying she gets closer to her beloved. That's why the women were so scary. They had no reason to live.'²⁰⁴ Bloom who focused her research on female suicide bombers concludes: 'it is telling that the women who participate in suicide bombings are usually among the most socially vulnerable: widows and rape victims.'²⁰⁵

The reasons why men join the military are probably very similar. Choosing to be part of the military is however a far more obvious choice for a man than it is for a woman. One can consequently expect that women who chose to join the military must have thought very hard about their choice and thus are very determined. Next to that it seems likely that more women than men choose to be part of the military in order to flee the situation at home – hoping that being part of the military and holding a gun in their hands would empower them.²⁰⁶

¹⁸⁸ Kompisch, *supra* note 16, 163 and I. Heike, "Female concentration camp guards as perpetrators: three case studies", in: O. Jensen and C.C.W. Szejnmann (Eds.). *Ordinary people as mass murderers – perpetrators in comparative perspectives* (Palgrave Macmillan 2008) at p. 120.

¹⁸⁹ Coulter, *supra* note 28 p. 126.

¹⁹⁰ *Ibid*, p. 99 refers to Brett & Specht *supra* note 175, p. 85.

¹⁹¹ *Ibid*, p. 138.

¹⁹² McDonald, *supra* note 57, p. 367.

¹⁹³ Keairnes, *supra* note 27, p. 3 and McKay & Mazurana, *supra* note 28, p. 14.

¹⁹⁴ In the Nazi death camps women could earn more money than in the industry Brown, *supra* note 22, p. 16.

¹⁹⁵ Wessels, *supra* note 176, p. 90.

¹⁹⁶ Eriksson Baaz & Stern, *supra* note 125, p. 68 and Wessels, *supra* note 176, p. 90.

¹⁹⁷ Coulter, *supra* note 28, 99, Anna et al., p. 3 who refer to Alison and Mazurana.

¹⁹⁸ See also Kompisch, *supra* note 16, p. 216 and Keairnes, *supra* note 27, p. 3. 'I always wanted to join the army ... I liked that, and I decided that I also wanted to become a soldier. I wanted to become like that.' (Eriksson Baaz & Stern 2008, 69). See also Wessels, *supra* note 176, p. 90.

¹⁹⁹ Eriksson Baaz & Stern, *supra* note 136, p. 68.

²⁰⁰ Coulter, *supra* note 2, p. 65

²⁰¹ Coulter, *supra* note 28, p. 151.

²⁰² McKay & Mazurana, *supra* note 28, p. 14.

²⁰³ Brett & Specht, *supra* note 175, pp. 87-90 and Global Report on Child Soldiers, p. 29; Keairnes, *supra* note 27, p. 3 and McKay and Mazurana, *supra* note 28, p. 14; Wessels, *supra* note 176, p. 90. Criminologists have concluded that a girls early victimization can set the stage for future criminal acts, see Miller and Mullins, *supra* note 103, p. 38.

²⁰⁴ McDonald as quoted by Sjoberg & Gentry, *supra* note 78, p. 101.

²⁰⁵ Bloom, *supra* note 77, p. 9.

²⁰⁶ See also Coulter, *supra* note 2, p. 60.

6.2 Why Women Commit Mass Atrocities: Socialization and Force

Joining a militarized unit is obviously not the same as committing mass atrocities and the next important question is: how do women get involved in the perpetration of mass atrocities? From research on (mainly male) perpetrators it has become apparent that many perpetrators were socialized into violence and that they got progressively involved and are gradually transformed from ordinary men into perpetrators.²⁰⁷ Within a strict hierarchical organization many people feel a strong pressure to obey all orders from their superiors and few men or women have the guts to disregard such orders.²⁰⁸ Many of the men furthermore went through a tough and coercive training period in which they were taught to obey and conform to all orders from their superiors. Nevertheless research has shown that many recruits initially still have a hard time when ordered to commit an atrocity for the first time. But eventually most perpetrators get used to the system and the violence and are brutalized. They - as Staub noted - progressed on a continuum of destructiveness.²⁰⁹ The same appears to be true for female perpetrators.²¹⁰ The female camp guards in Nazi Germany were for instance trained in Ravensbrück in which they underwent a training which was similar to the one the male guards had at Dachau and which was described as a 'conditioning process that ... was grueling and demanding'.²¹¹ Inmates from Nazi concentration camps concluded that many inexperienced female guards still seemed to care about the prisoners but the longer they worked in the camps the more brutal they became.²¹² Women within militarized organizations seem to experience the same pressure as their male counterparts and seem to be socialized into violence in similar ways. In some cases as for instance in Sierra Leone soldiers (men and women; boys and girls) were forcefully injected with drugs.²¹³ Up to 34-35 per cent of men and women reported to have been given drugs while being in the RUF.²¹⁴ This too might be an explanation for their brutality.

As already discussed above, many of the militarized units are male dominated and within these institutions recruits are demanded to live up to the idealized male role model. It is a men's world and women are often stereotyped in a condescending manner and not considered as full members. In recent years more and more armies have accepted women in their ranks but often they cannot take part in the fighting and thus cannot make themselves a career. This might very well be the reason why many women have a hard time within these organizations and many as a consequence thereof are particularly eager to prove themselves and show what they are worth.²¹⁵ They are eager to show that they are one of the guys and within such groups the use of violence is a means to raise one's status.²¹⁶

Within many organizations women (just like many men) were forced to commit atrocities. If they didn't obey they could be killed. Women could be forced via direct threats, i.e. by gunpoint to commit atrocities as reported by this Rwandan woman: 'When they told us to kill, many people refused. I was one of those who refused. They beat me up so badly with rifle butts that the baby I was carrying on my back, a two-month-old girl, died.'²¹⁷ Another female fighter in Sierra Leone recounts: 'The commander or group leader will just tell you to kill so-and-so person. If you refuse they will kill you. So you just have to do it.'²¹⁸ The violence is intimidating and

²⁰⁷ A. Smeulders, 'What transforms ordinary people into gross human rights violators?' in S. Carey & S. Poe (eds.), *Understanding human rights violations: new systematic studies*, (Ashgate Publishing Ltd, 2004), pp. 239-256.

²⁰⁸ Like their male counterparts female leaders Johanna Langefeld, who was known to be a decent guard (Brown, *supra* note 22, p. 18 and Heike *supra* note 188, p. 131) was proud that she managed to organize the selection process in an ordinary fashion without 'screaming and shouting' (Herkommer, *supra* note 20, p. 113). She could apparently accept the ideological aim to kill Jews (she was considered to be anti-semitic) but could not accept unnecessary cruelty.

²⁰⁹ E. Staub, *The roots of evil - the origins of genocide and other group violence* (Cambridge University Press, Cambridge, 1989).

²¹⁰ See Lower, *supra* note 16, p. 131.

²¹¹ Brown, *supra* note 22, p. 17.

²¹² Kompisch, *supra* note 16, p. 162.

²¹³ Coulter, *supra* note 28, p. 108.

²¹⁴ Cohen, *supra* note 35.

²¹⁵ See also Eriksson Baaz & Stern, *supra* note 125, p. 570 and Lower, *supra* note 16, p. 17 and p. 194 in which she notes that some women when being violent dressed like males.

²¹⁶ A perpetrator of the Rwandan genocide told us in an interview: 'The more people you killed, the more respect you gained in the group. I killed a lot of people, four hundred and everyone was afraid of me', Smeulders & Hoex, *supra* note 25.

²¹⁷ African Rights, *supra* note 14, p. 44.

²¹⁸ Coulter, *supra* note 28, p. 135.

even if there is no direct threat many recruits (male and female) are scared. From his research on Sierra Leone Coulter concluded: ‘... the choice between life and death was not really a choice: the will to live and the fear of death were too strong... It was a matter of bare survival’.²¹⁹ In some cases the women were forced by their husbands like this woman in Rwanda: ‘Personally I never was on their side, but my husband once said to me ‘If you don’t take part, I will kill you myself’. So I agreed to participate.’²²⁰ Allegedly as many as 12 per cent of the abducted women in Uganda ‘were forced to beat, cut or kill family members.’²²¹ This was done ‘in order to bind them to the group, to reduce their fear of killing, and to discourage disobedience’²²² and to make a return home impossible. A Rwandan woman remembers: ‘They said I must kill my godmother. They began to insist and started beating me up. When I felt that the beating was too much, I gave in and hit my godmother with the machete. When I started, the others also joined in and began hitting her with their machetes. She did not die immediately. While this was happening, a young man jumped out of his hiding place. The whole group attackers began to chase him. I decided to chase him as well instead of killing my godmother. But three of the Interahamwe brought me back to make sure that I completed the job. They gave me a masu to finish her off and I did.’²²³ In some cases in Rwanda women were ordered to kill their Tutsi husbands or their children and although many refused (and were killed) others obeyed the orders and thus hoped to protect themselves.²²⁴

Others were threatened and intimidated in a more indirect way.²²⁵ In Sierra Leone young women who had been abducted stated that commanders were chosen on the basis of their wickedness – the rules and regulations in the rebel movement were uncertain and arbitrary and the commanders were unpredictable²²⁶ leaving the rebels at the mercy of these commanders. In Sierra Leone it was best for the abducted women to be picked as a bush wife because that meant they were protected from further abuse by other men. The bush wives of the commanders were relatively powerful as they were in charge of the distribution of arms and ammunition and could decide who had to fight.²²⁷ But if they were not chosen as a bush wife the best way to survive was probably to join the fighters and be an extremely loyal soldier even if this involved committing mass atrocities.²²⁸

It is clear that men too suffered within this coercive environment, the forced socializations and the continuous threats. They too could be severely punished and killed for not obeying an order or for not be considered loyal or courageous enough. It is however very likely that women suffered more taking their generally subordinate position into account. Women within the military as well as rebel movements suffer in other words from more structural constraints. Coulter who studied female fighters in Sierra Leone clearly indicated that almost all the female combatants that he spoke to had been abducted and raped: ‘Despite their bravery and toughness, however, the conditions of female combatants were very different from those of men or even boys for that matter. If a female combatant hesitated when ordered to kill, her own group could punish her often through rape, and if she fell into enemy hands, she would also be most likely raped before being killed.’²²⁹ Many of the women were victims and perpetrators at the same time. They suffered from regular physical and sexual abuse: they were forced to work and please the men. Their vulnerability was simply a result of them being a woman. Coulter concluded: ‘One needs to make a distinction, between different kinds and degrees of power and agency. Because even with a gun in hand, my informants choices were circumscribed - by convention, tradition, morality, religion, family, or fear - in ways that were different from men’s.’²³⁰ Eriksson Baaz and Stern concluded that ‘[M]ilitary institutions reflect and reproduce gendered relations in the societies in which they operate.’²³¹ If this is indeed true than the extent to which women suffer from their subordinate positions within militarized units

²¹⁹ *Ibid*, p. 148 and p. 150.

²²⁰ Adler et al., *supra* note 26, p. 223.

²²¹ Annan et al. *supra* note 28, p. 884.

²²² *Ibid*, , p. 9.

²²³ African Rights, *supra* note 14, p. 42.

²²⁴ *Ibid*, pp. 53-58.

²²⁵ *Ibid*, p. 1 and p. 41 and Hogg, *supra* note 16, p. 84.

²²⁶ Coulter *supra* note 28, p. 107.

²²⁷ *Ibid*, p. 110.

²²⁸ See Coulter, *supra* note 28, p. 122 who states that many ‘made it through the war as fighters’ and that many of these women ‘felt empowered by having a gun’ (Coulter 2000, p. 139). See also Bloom, *supra* note 77, p. 4.

²²⁹ Coulter *supra* note 2, p. 60.

²³⁰ *Ibid*, p. 68.

²³¹ Eriksson Baaz & Stern, *supra* note 2, p. 713

will differ per society but it might not be too farfetched to conclude that women within militarized units are much more vulnerable than men.²³²

6.3 Why Women Commit Mass Atrocities: Ideology and Greed

Next to the organizational pressure and group dynamics women can have personal motives to commit crimes. From research on perpetrators in general we know that many of them - when not driven by fear - are driven by ideology or personal motives such as for instance greed.²³³ From the literature it becomes clear that women too can be driven by these very same motives. Adler, for instance, concluded with respect to the Rwandan genocide: 'While many women attribute their involvement in the 1994 genocide to spontaneous or poorly considered behavior, some participated deliberately and with conviction'.²³⁴ Some women have been described as virulent extremist,²³⁵ vicious,²³⁶ or cruel even before the genocide²³⁷ and some apparently derived pleasure from hurting others and can be qualified as sadists.²³⁸ It is estimated that five per cent of the male perpetrators can be qualified as sadists - the percentage of female perpetrators who can be qualified as such might be slightly higher because of the self-selection bias. Choosing for a military career is less obvious for women than it is for men and this might cause that aggressive, violent and sadistic women are disproportionately attracted to the military and these women use their jobs as an outlet for the cruelty or sadistic impulses.²³⁹ Some were for instance already involved in criminal activities prior to a period of mass violence.²⁴⁰ Others were driven by a personal rage: 'When I was twelve, a cousin raped me. I was so mad, I wanted vengeance. I wanted to hurt everyone who had hurt me'.²⁴¹ In some cases women get involved after having suffered a personal tragedy.²⁴² Some were already racists²⁴³ or fanatics before the periods of mass violence.²⁴⁴ Others are ideologically driven or were convinced by propaganda.²⁴⁵ A female perpetrator states: 'the leaders told us that the Tutsis had prepared graves to put the Hutus in and that we had to kill the Tutsis first before they killed us. We believed them because they were educated people ... I believed them, and that is why I killed that woman'.²⁴⁶ Periods of mass violence usually result in a restructuring of society and has thereof often been equated with a form of social engineering. Especially if a privilege group within society is targeted this opens up new opportunities for those who want to gain more wealth, power or status. This is true for men and women alike although periods of social reform might be particularly appealing to women and many women have joined rebel movements hoping that life in general

²³² See also B. Finlay, 'Pawn, scapegoat or collaborator? US Military women and detainee abuse in Iraq', in T. McKelvey *supra* note 92, p. 211: 'Just as men can become torturers given the "right" conditions, so can women. But women in the military are in a more powerless position, more vulnerable to pressures to conform, and more likely to suffer negative consequences if caught.'

²³³ Amongst others D.K. Gupta, *Path to collective madness - a study in social order and political pathology*, (Preager, Westport, 2001) and A. Smeulers, 'Perpetrators of international crimes: towards a typology', in A. Smeulers & R. Haveman (eds.), *Supranational Criminology: Towards a Criminology of International Crimes*, (Intersentia, Antwerpen, 2008), pp. 233-266.

²³⁴ Adler et al. *supra* note 26, p. 221. See also African Rights *supra* note 14, p. 27 for the Rwandan context and McDonald, *supra* note 57, for terrorists.

²³⁵ African Rights, *supra* note 14, p. 149.

²³⁶ *Ibid*, p. 70.

²³⁷ *Ibid*, p. 140.

²³⁸ Female guards which were believed to be sadists were Irma Grese, Dorothea Binz, Maria Mandel, Margot Drechsel.

²³⁹ As far less women were involved and at least some of them participated on their own free will it might be true that this selection process in itself shows a bias towards women who were more prone to use violence than others which could explain that more than 5% of the women involved can be qualified as sadists. Brown, *supra* note 22, p. 16 for instance noted that the women who applied for jobs in these camps were not the most sophisticated ones. Although he also stated that women with a criminal record were rejected - 'the vast majority were unskilled, undereducated, and decidedly limited in job perspectives.'

²⁴⁰ Lower, *supra* note 16, 42.

²⁴¹ Wessels, *supra* note 176, p. 91.

²⁴² Bloom, *supra* note 77, p. 4.

²⁴³ African Rights, *supra* note 14, p. 64.

²⁴⁴ *Ibid*, p. 125.

²⁴⁵ Keairnes, *supra* note 27, p. 3. See also Kompisch, *supra* note 16, p. 134 notes that many nurses involved in the Euthanasia programme were convinced that they were doing the right thing.

²⁴⁶ Hogg, *supra* note 16, p. 87.

and the position of women within society in particular, would improve.²⁴⁷ History has indeed shown that periods of mass violence and armed conflict opens up opportunities for women in various ways as men have to go to the army or are killed.²⁴⁸ The opportunity to gain power,²⁴⁹ sheer greed,²⁵⁰ the aim to acquire an equal status or pure ambition, like in the cases of Biljana Plavsic and Pauline Nyiramasuhuko,²⁵¹ could all be possible motives to get involved and commit mass atrocities.²⁵² Some women enjoyed the power they suddenly had, others outplayed their sadism while still others were motivated by revenge.²⁵³

In general we can conclude that men and women can have many common motives but that gender roles and gender inequality have a strong impact on the life experience of girls and women and can account for some of the differences between the involvement of men and women and the roles they play.²⁵⁴ More research needs however to be done in order to study to what extent male and female perpetrators differ in their motives. In doing this research it is important that it is gender sensitive but not stereotyped.²⁵⁵ We, in other words, need to take the context and specifics of the context in which women operate into account. This context can constrain their choices (just like it does for men) but that does not mean that they lack agency. The examples above clearly shown that women just like men make their own choices and these choices can lead them to commit mass atrocities. In that sense women are after all not that different from men and share men's capacity for violence.²⁵⁶

7. Conclusion

Until the genocide in Rwanda in 1994 it was generally assumed that women tend to play a very limited role in periods of mass violence. Shortly after this genocide African Rights published a report on the role of women in the genocide with the telling title: 'Not so innocent – when women become killers'.²⁵⁷ Scholars have consequently concluded that the extent of the involvement of women in the Rwandan genocide is unprecedented.²⁵⁸ The above overview has however shown that although it is clear that many more men than women have been involved in mass atrocities the role of women is much larger than has been assumed so far, not only in Nazi Germany²⁵⁹ but also in other more contemporary conflicts in Sierra Leone, Sudan, DRC, Uganda and Columbia to name just a few cases.

The overview has also shown that women have been involved in mass atrocities in a number of different ways. Most women act in a supporting capacity but others have a more active role as leaders and instigators or as the physical perpetrators and have been directly involved in torture, rape and murder. The literature review conducted clearly shows that women just like men are capable of terrible atrocities. How many women are and have been involved exactly is impossible to tell but it is clear that there are many more women involved than we would expect. Women who are involved are often seen as either lacking agency or being mentally disturbed sadists. The general perception is that real women do not commit mass atrocities while in fact they do. Some might have been forced and others might indeed have been disturbed sadists but the above overview shows that so many women have been involved in mass atrocities that it is simply impossible to qualify all of them as such. It is time to accept that many female perpetrators are ordinary women and that ordinary women just like ordinary men can become involved in mass atrocities for a number of reasons (personal or political) and under a number

²⁴⁷ Bloom, *supra* note 77, p. 3.

²⁴⁸ See for instance Kompisch, *supra* note 16, p. 42 and p. 241 and Lower, *supra* note 16, p. 164.

²⁴⁹ African Rights, *supra* note 14, p. 27.

²⁵⁰ Adler et al., *supra* note 26, p. 221; African Rights, *supra* note 14, p. 27 and Lower, *supra* note 16, p. 126.

²⁵¹ See also Ewa Kozakiewicz, *Female perpetrators of international crimes*, unpublished master thesis in possession of the author.

²⁵² Also female terrorists can strive for fame and heroism. See McDonald, *supra* note 57, p. 380.

²⁵³ See Lower, *supra* note 16; but also in relation to revenge Bloom, *supra* note 77, p. 2 and Sjoberg & Gentry, *supra* note 78, p. 100.

²⁵⁴ See also Miller and Mullins, *supra* note 103, p. 34 and Agnew, *supra* note 103, p. 7.

²⁵⁵ See also Gilani, *supra* note 112, p. 29 who concludes: 'imputing their violent behavior to culture, patriarchy, society and pathology, these reports and articles cast doubt on women's capacity for engaging in violence voluntarily and intentionally.'

²⁵⁶ *Ibid*, p. 30.

²⁵⁷ African Rights, *supra* note 14.

²⁵⁸ A. Jones, 'Gender and genocide in Rwanda', 4 *Journal of Genocide Research* (2002), p. 65.

²⁵⁹ See also Kompisch, *supra* note 16, p. 12 and M. Krauss (ed.), *Sie waren dabei. Mitläuferinnen, Nutznießerinnen, Täterinnen im Nationalsozialismus*, (Wallstein Verlag, 2008).

of different circumstances (involving extreme pressure or out of free will) and can be just as ruthless and cruel as ordinary men.²⁶⁰

An important fact that we have to take into account when studying female perpetrators is that many societies within the world are still very patriarchal societies dominated by males and that still many women are as a consequence thereof more vulnerable and much more easily exploited than many of their male counterparts. Especially within the military many women are having a hard time to prove that they are 'one of the guys'. But many women try to make the best out of it and some have become very courageous and heroic fighters, others – especially those serving oppressive regime – have become involved in mass atrocities. This explorative study has shown that women are in many respects not that different from men, apart from the fact that indeed sometimes their choices are more constrained. Further research, in which the involvement of women is gender sensitive but not explained by stereotyped gender images (the mother, monster, whore narratives), is urgently needed to get a better insight in the roles men and women play and the possible difference between them.²⁶¹ But for now we can conclude that women are not inherently more peaceful than men, nor that those women who are involved in mass atrocities are by definition mentally disturbed monsters or completely lacking agency. Some are but most are just like the men, very ordinary women who within an often constrained environment (just like many men) somehow got involved in mass atrocities. The reason why so many more men are involved is not because they are more evil but simply because militarized units which are the main organizations responsible for the physical perpetration of international crimes are still male dominated. The reason why only one per cent of all the people convicted by international criminal courts and tribunals are female is because these tribunals focus on those in leadership positions and the physical executioners and women are underrepresented amongst these two groups. It can be expected, however, that the progressive emancipation of women and the fact that more and more women are accepted in militarized units and more and more women start to play an important role in politics, the percentage of women involved in international crimes will go up too.

²⁶⁰ See also Brown, *supra* note 22, p. 11 who concludes 'while there were clearly some SS auxiliaries who were attractive, cruel and perverse, the vast majority were colorless, unimaginable, plain or wretched in their physical appearance.' See also Hogg, *supra* note 16, p. 69 about Rwanda: 'Many ordinary women involved in the genocide but, overall, committed significantly fewer acts of overt violence than men.' See Sjöberg & Gentry, *supra* note 78, p. 4: 'Woman, like men commit violence for a variety of reasons, some rational and some irrational.' See also Adler et al., *supra* note 26, p. 212 and Lower, *supra* note 16, p. 167.

²⁶¹ See also Lower, *supra* note 16.